A local law regulating and restricting the height, number of stories, the size of buildings and other structures, their construction, alteration, extension, and all facilities in or about such buildings and structures, and percentage of lot that may be occupied, the size, depth and width of yards and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, manufacturing, residence or other purposes; establishing districts and the boundaries thereof for said purposes, providing for the appointment of a Board of Appeals and setting forth the duties and functions of said Board; and providing for the administration and enforcement of this law and penalties for violation thereof in accordance with the Consolidated Laws of the State of New York.

BE IT ORDAINED AND ENACTED BY THE TOWN BOARD OF THE TOWN OF LYONS—
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LL 4-2006

A LOCAL LAW TO ESTABLISH PREDICTABLE AND BALANCED REGULATIONS FOR THE SITING OF WIND TURBINE FACILITIES

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ARTICLE I
General Provisions

1.100 Title
This local law shall be known and may be cited as the "Town of Lyons Zoning Law".

1.200 Purpose
The purpose of this law is to classify, regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size, depth and width of yards and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes; to establish districts and the boundaries thereof for said purposes; and to provide for the administration and enforcement of this law so as to promote the public health, safety, morals, and general welfare of the Town of Lyons.

1.300 Interpretation
For purposes of interpretation and application, the provisions of this law shall be held to be the minimum requirements necessary for the promotion of the public health, safety, comfort, convenience and general welfare.

1.400 Conflict with other laws
The provisions of this law shall not be construed as to interfere with, supersede, or annul any law, ordinance, code or regulation affecting the safety, construction or sanitation of any building or structure, provided that whenever the requirements of this law are at variance with the requirements of any other lawfully adopted rules, regulations, laws or ordinances, the most restrictive, or that imposing the higher standards shall govern. Nor shall the provisions of this law annul or interfere with existing deed or plat restrictions, easements or other agreements between persons, or permits previously adopted or issued, except those sections thereof which are contrary to and in conflict with this law.

1.500 Severability
If a court of competent jurisdiction should find any article, section, subsection, paragraph, sentence, clause or provision of this law invalid, in whole or in part, the effect of such decision shall be limited to those articles, sections, subsections, paragraphs, sentences, clauses or provisions which are expressly stated in the decision to be invalid, and the remainder of this law shall be and remain in full force and effect.

1.600 Repealing clause
From and after the date when this law takes effect, any and every existing law or ordinance of the Town of Lyons pertaining to zoning is hereby superseded and repealed.

1.700 Effective date
This law shall take effect ten (10) days after publication, and posting as provided by the Town Law.
ARTICLE II
Definitions

2. 100 Definitions

A. Interpretations

Unless the context otherwise requires, the following definitions shall be used in the
interpretation and construction of this law. Words used in the present tense include the future;
the singular number shall include the plural, and the plural the singular; the word "structure"
shall include the word "building"; the word "used" shall include "arranged", "designed",
"constructed", "altered", "converted", "rented", "leased", or "intended to be used", and the word
"shall" is mandatory and not optional.

B. Definitions

(1) ACCESSORY BUILDING: A supplemental building, the use of which is incidental
to that of the main or principal building and located on the same lot therewith.

(2) ACCESSORY USE: A use customarily incidental and subordinate to the principal
use or building and located on the same lot with such principal use or building.

(3) ADULT BOOKSTORE: An establishment or business, whether retail or wholesale,
having as a substantial or significant portion of its stock-in-trade, books, magazines and
other periodicals, films and viewing materials for sale or viewing on the premises, which
are distinguished or characterized by their emphasis on sexually explicit material or an
establishment or business containing a segment or section devoted to the sale or display
of such material.

(4) ADULT CARE FACILITY: A family type home for adults, a shelter for adults, a
residence for adults, an enriched housing program or adult home, which provides
temporary or long-term residential care and services to adults who, though not requiring
continual medical or nursing care, are by reason of physical or other limitations
associated with age, physical or mental disabilities or other factors, unable or
substantially unable to live independently.

(5) ADULT MOTION-PICTURE THEATER: An enclosed or unenclosed building or
structure or portion of a building or structure used for presenting sexually explicit
material as a dominant theme or emphasis for observation by patrons therein.

(6) ADULT USE: Any establishment or business involved in the dissemination of
sexually explicit material as defined in this law, including but not limited to adult
bookstores and adult motion-picture theaters.

(7) ALTERATIONS: A change or rearrangement in the structural parts of an existing
building or structure, or an enlargement, whether by extending on a side or by increasing
in height, or by moving from one location or position to another.
(8) ALTERATIONS, STRUCTURAL: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders, including additions thereto.

(9) APARTMENT COMPLEX: Two or more detached multiple dwellings located on a parcel of land in one ownership or cooperative ownership and having a yard or court in common.

(10) AUTOMOBILE SALES AND SHOWROOM: An open or enclosed area, other than a street, used for the display, sale or rental of new or used motor vehicles in operable condition.

(11) BED AND BREAKFAST ESTABLISHMENT: A dwelling, other than a hotel or motel, incidental to and located within an owner-occupied single-family residence, which accommodates no more than 10 transient lodgers, with meals provided or offered, for compensation.

(12) BUILDING: A structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.

(13) BUILDING HEIGHT: The vertical distance measured from the ground surrounding the building to the highest point of the roof, but not including chimneys, spires, silos, towers, tanks, and similar projections.

(14) BUILDING INSPECTOR: See "Zoning Inspector".

(15) BUILDING (or FRONT SETBACK) LINE: A line parallel to the front lot line, between which line and the front lot line no building may be built.

(16) BUILDING, MAIN OR PRINCIPAL: A structure in which is conducted the principal use of the site on which it is located. In any residential (R-A or R-1) district, any dwelling shall be deemed to be a principal building on the zone lot on which the same is located.

(17) CAMP: Any one or more of the following, other than a hospital, place of detention, or school offering general instruction:

(a) Type 1: Any area of land or water on which are located two or more cabins, tents, trailers, shelters, houseboats or other accommodations of a design or character suitable for recreational purposes, regardless of whether such structures or other accommodations actually are occupied seasonally or otherwise; or

(b) Type 2: Any land, including any building thereon, used for any assembly of persons for what is commonly known as "day camp" purposes; and any of the foregoing establishments whether or not conducted for profit and whether or not occupied by adults or children, either as individuals, families or groups.

(18) CERTIFICATE OF OCCUPANCY: A statement signed by the Zoning Inspector setting forth either that a building or structure complies with the provisions of this law, or that a building, structure or parcel of land may lawfully be employed for specified uses, or both.
(19) COMMERCIAL LOGGING OPERATION: A use or activity in which trees are cut down and cut into logs for transport to a sawmill or other industry, for profit. This definition shall not apply to the farming of Christmas trees and other nursery uses, the seasonal sale of firewood, or the clearing of land for agricultural purposes or as may be necessary to perform work authorized by building permit.

(20) COMMERCIAL SELF-SERVICE STORAGE FACILITY: A building having two or more tenants or occupants that is used for the purpose of storage of personal property, when conducted as a business.

(21) CONVALESCENT HOME: See "Nursing Home".

(22) CONVERSION: The changing of use or occupancy of a building by alteration or reorganization to increase the number of dwelling units in a building.

(23) CUSTOMARY FARM OCCUPATION: A principal or accessory use for the purpose of producing agricultural, horticultural, floricultural, vegetable and fruit products of the soil, livestock, dairy products, nuts, honey, wool and hides, but shall not include riding academies, livery stables, kennels, sawmills, commercial logging operations or hog, pig, poultry and fur-bearing animal farms as defined herein. A garden accessory to a residential use shall not be deemed a farm or farm use.

(24) DAY-CARE FACILITY: An activity providing for the care and supervision of minors away from their own homes as a daily program, such as day nursery, preschool program or day-care center.

(25) DRIVEWAY: Land used for vehicular traffic as access to and situated on a property or lot.

(26) DUMP: A lot of land or part thereof used primarily for the disposal, abandonment, dumping, burial, burning, or by any other means and for whatever purpose of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

(27) DWELLING: Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons.

(28) DWELLING, SINGLE-FAMILY: A conventionally built, detached dwelling, designated for or occupied exclusively by one family and containing not more than one dwelling unit.

(29) DWELLING, TWO-FAMILY: A detached dwelling containing two individual dwelling units.

(30) DWELLING, MULTIPLE OR MULT-FAMILY: A dwelling containing three or more dwelling units.

(31) DWELLING UNIT: One or more rooms, including cooking facilities, and sanitary facilities in a dwelling, designed as a unit for occupancy by not more than one family for living and sleeping purposes.
(32) EXTRACTIVE INDUSTRY: A lot of land or part thereof used for the purpose of extracting stone, sand, gravel, or other mineral substance, or top soil for sale, as an industrial operation, and exclusive of the process of excavating or grading a lot or lots preparatory to the construction of a building.

(33) FAMILY: One or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from a group occupying a rooming house, motel, hotel, club or fraternity.

(34) FLOOR AREA: The sum of the gross horizontal area of the several floors of a building, excluding cellar and basement, attic storage, garage and breezeway.

(35) GARAGE, PRIVATE: A detached or attached accessory building or enclosed space used for the storage of private passenger vehicles, owned or rented.

(36) GARAGE, PUBLIC: Any garage other than a private garage, which is used for the storage, repair, rental, servicing or supplying of fuel or oil to motor vehicles.

(37) HOG, PIG, POULTRY OR FUR-BEARING ANIMAL FARM: A farm used for the raising of hogs, pigs, poultry or fur-bearing animals.

(38) HOME OCCUPATION: Any use customarily conducted entirely within the principal building and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the principal structure and does not change the character thereof, excluding uses such as a clinic, animal hospital, nursing home, or any similar use.

(39) HOTEL: A dwelling containing sleeping rooms for fifteen (15) or more persons, which rooms are available to the public for less than a week at a time for compensation, with no cooking or dining facilities except a general kitchen and public dining room.

(40) JUNK: Materials including scrap metals and their alloys, bones, used items and products such as rags and cloth, rubber, rope, tinfoil, bottles, old tools and machinery, automobiles, fixtures and appliances, lumber, boxes or crates, pipe and pipe fittings, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition.

(41) JUNK YARD: An area of land, with or without buildings, primarily used for the storage, outside of a completely enclosed building, of junk or used and discarded material, including but not limited to waste paper, rags, metal, building materials, house furnishings, machinery, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The deposit or storage of two or more unlicensed or unregistered or uninspected or inoperable or wrecked or broken motor vehicles, or the major parts of two or more such vehicles shall be deemed to make the lot a "junk yard".

(42) KENNEL: A structure to accommodate the commercial boarding, sale or care of dogs, cats and other domestic animals or the harboring of more than four such animals.
(43) LARGE SCALE BUSINESS DEVELOPMENT: A tract of land not less than five acres in area for non-residential development, and which is planned for development as units under single ownership and control and which includes two or more non-residential principal buildings.

(44) LARGE SCALE INDUSTRIAL DEVELOPMENT: A tract of land not less than ten acres in area for non-residential development, and which is planned for development as units under single ownership and control and which includes two or more non-residential principal buildings.

(45) LOT: A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as required by this law, and having frontage on a public street.

(46) LOT AREA: The computed area contained within the lot lines of a lot.

(47) LOT, CORNER: A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an angle of less than 135 degrees. The point of intersection of the street is the "corner".

(48) LOT, DEPTH: The mean horizontal distance between the front and rear lot lines.

(49) LOT LINES: The property lines bounding a lot.

(50) LOT LINE, FRONT: The lot line separating a lot from a street right-of-way.

(51) LOT LINE, REAR: The lot line opposite and most distant from the front lot line.

(52) LOT LINE, SIDE: Any lot line other than a front or rear lot line.

(53) LOT WIDTH: The distance between the two side lot lines measured at the front building line.

(54) MIGRANT LABOR CAMP: A tract of land and all vehicles, mobile homes, buildings or other structures pertaining thereto, any part of which may be used or occupied by persons employed as laborers in farm activities including sleeping facilities, provided in whole or in part, by the employer of such persons, the owner, lessee, or operator thereof, with or without a stipulated agreement as to the duration of their stay, whether or not they are supplied with meals but who are supplied with such services or facilities as are necessary for their use of such property.

(55) MOBILE HOME: A structure transportable in one or more sections, which, in the travelling mode, is eight (8) body feet or more wide and forty (40) or more body feet in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, and bearing a seal issued by the Federal Department of Housing and Urban Development.
(56) MOBILE HOME PARK: A tract of land where two or more mobile homes are placed for non-transient use and developed in accordance with the provisions of this law.

(57) MOTEL: A series of attached, semi-detached or detached dwelling units, one or more stories in height, containing a bedroom, bathroom and closet space, but excluding cooking facilities, which are devoted to the use of automobile transients.

(58) MOTOR VEHICLE REPAIR SHOP: A building or place of business in which motor vehicles are repaired, serviced, rebuilt or reconditioned, with or without the sale of automotive parts and accessories, at retail, and exclusive of the dispensing of gasoline or other automotive fuels. Any use commonly referred to as a collision, body, engine rebuilding, transmission or auto paint shop shall be deemed a "motor vehicle repair shop".

(59) MOTOR VEHICLE SERVICE STATION: A building or place of business in which motor vehicles are repaired, serviced or cleaned with or without the sale of automotive parts and accessories at retail, and which may include the dispensing of gasoline or other automotive fuels. Any use commonly referred to as a gas station, carwash, muffler, brake, tire, or oil & lube station shall be deemed a "motor vehicle service station".

(60) NON-CONFORMING USE: A use of a building or land, existing at the time that this law is enacted or amended, which does not conform with the requirements herein for the district in which it is located.

(61) NURSING HOME: A facility providing therein nursing care to sick, invalid, infirm, disabled or convalescent persons in addition to lodging and board or health-related service, or any combination of the foregoing.

(62) PLANNED DEVELOPMENT GROUP: A structure or a group of structures designed to be maintained and operated as a unit in single ownership or control by an individual, partnership, corporation or cooperative group, and which has certain facilities in common, such as yards and open spaces, recreation areas, garages and parking areas.

(63) PUBLIC UTILITY STRUCTURE: Any structure erected, constructed, altered or maintained by public utilities or a governmental agency which is reasonably necessary for the furnishing of adequate service by such public utility or governmental agency, such as the poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection with underground or overhead gas, electrical or water transmission or distribution systems, or for the public health, safety or general welfare. This use shall not include a "telecommunications facility" as defined in this law.

(64) RECREATION, COMMERCIAL: Recreational facilities operated as a business and open to the general public for a fee.
(65) RECREATION, PRIVATE, NON-COMMERCIAL: Recreation facilities operated by a non-profit organization and open only to bona fide members of such non-profit organization.

(66) RECREATION, PUBLIC: Recreation facilities operated as a non-profit enterprise by any governmental agency or non-profit organization and open to the general public.

(67) RIDING ACADEMY or LIVERY STABLE: Any use or structure in which horses can be had for hire, or where horses are kept for a fee, or a school where horseback riding is taught. Any horse, pony, mule, or donkey shall, for purposes of this definition, be deemed a "horse".

(68) ROADSIDE STAND: A stall or booth for the display and sale of farm products only.

(69) ROOMING HOUSE: A building containing a single dwelling unit and containing rooms for the rooming and/or boarding of at least 3 persons, but not more than 25 persons by prearrangement for definite periods of not less than one week.

(70) SAWMILL: A building, use or activity in which logs are sawn into planks, beams or boards, or are otherwise roughly prepared, by machinery, for market or for use in the construction of buildings or ships or for the use of carpenters, joiners or other artisans. This definition shall not include a lumber or building materials storage yard and shall not include the assembly, fabrication, manufacture or processing of any other wood products.

(71) SEXUALLY EXPLICIT MATERIAL: The less than completely and opaquely covered human genitals or female breast below the top of the areola, or the human male genitals in a discernibly turgid state even if completely and opaquely covered, or the human genitals in a state of sexual stimulation or arousal, or acts of human masturbation, sexual intercourse or sodomy, or the fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

(72) SIGN: A name, identification, description, display or illustration or any other visual display which is affixed to, or painted, or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business. This definition shall not include any display of official court or public office notices nor any official traffic control device nor shall it include the flag, emblem or insignia of a nation, state, county, municipality, school or religious group. A sign shall not include a sign located completely within an enclosed building except for an illuminated or animated sign or signs within show windows. Each display surface of a sign shall be considered to be a sign.

(73) SIGN, ADVERTISING: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered elsewhere than on the premises where the sign is located.
(74) SPECIAL USE: A use which because of its unique characteristics requires individual consideration in each case by the Zoning Board of Appeals and the Planning Board, before it may be permitted.

(75) STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space of any floor and the ceiling next above it.

(76) STORY, HALF: A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

(77) STRUCTURE: Anything constructed, the use of which requires permanent location on the ground, or attachment to something having permanent location on the ground, including stationary and portable carports.

(78) STRUCTURE, NON-CONFORMING: A structure or sign, the design or size of which does not conform with the regulations of this law for the district in which it is located.

(79) TELECOMMUNICATIONS FACILITY: Any communication facility such as a radio or television transmitting studio and tower, directional beacon and antenna, cellular telephone or microwave tower, and attendant buildings, but excluding police and fire communications towers used for dispatching purposes, and private, non-commercial television or radio receiving antennas and similar equipment.

(80) TOWN BOARD: The governing body of the Town of Lyons.

(81) TRAVEL TRAILER: Any vehicle mounted on wheels and movable either by its own power or by being drawn by another vehicle, and licensed for travel on any highway for the purpose of temporary living or sleeping quarters in a campground or park.

(82) USABLE OPEN SPACE: Required open space which shall be entirely open (except for plantings, landscaping, and recreational equipment) and shall be available for the sole enjoyment of the occupants of the lot of which it is a part, and shall not include any side yards, driveways, and access ways.

(83) VARIANCE: The Zoning Board of Appeals authorized departure from the terms of this law in accordance with the procedure set forth in this law.

(84) YARD: An open space by a structure which lies between the principal buildings or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as herein permitted.

(85) YARD, FRONT: An open space extending the full width of the lot between a principal building and the front lot line, unoccupied and unobstructed from the ground upward.

(86) YARD, REAR: An open space extending the full width of the lot between a principal building and the rear lot line, unoccupied and unobstructed from the ground upward.
(87) YARD, SIDE: An open space extending from the front yard to the rear yard between a principal building and the nearest side lot line, unoccupied and unobstructed from the ground upward.

(88) ZONING INSPECTOR: The administrative officer charged with the duty of enforcing the provisions of this law.

(89) ZONING MAP: The Official Zoning Map of the Town of Lyons, New York, dated December 17, 1969, together with all amendments subsequently adopted.

(90) LOT COVERAGE: That percentage of the lot or land covered by the building area.

(91) MARINA and BOATYARD: A facility that stores and services boats in berths, on moorings, or in dry storage. Such storage and services may include berthing of boats, fueling, sanitary sewage pumpout, seasonal or short-term boat storage, seasonal boat painting, boat engine maintenance, repairing, hauling from water and launching of boats.

(92) BUILDING AREA: The total horizontal area measured at the main grade level of the principal building and all accessory structures exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between the exterior faces of walls.

* Section (93) added 12/04/00; repealed 9/19/01
ARTICLE III

Establishment of Districts

3. 100 Designation of Districts

The Town of Lyons is hereby divided into the following types of districts:
R-A Residential-Agricultural District
R-1 General Residential District
F-P Flood Plain District
C-1 Commercial District
M-1 Industrial District

3. 200 Official Zoning Map

The location and boundaries of said districts are hereby established as shown on the Official Zoning Map of the Town of Lyons, which is attached hereto and is hereby made a part of this law. Said map or maps and all notations, references, and designations shown thereon shall be as such, a part of this law as if the same were all fully described and set forth herein.

3. 300 Interpretation of Boundaries

A. Designation of District Boundaries. The district boundary lines are intended generally to follow the boundary lines of streets, the center lines of railroad rights-of-way, existing lot lines, waterways, or Town boundary lines, all as shown on the Official Zoning Map; but where a district boundary line does not follow such a line, its position is shown on the Official Zoning Map by a specific dimension expressing its distance in feet from a street line or other boundary line as indicated.

B. Determination of Locations of Boundaries. In unsubdivided property or where a district boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown on the Official Zoning Map, shall be determined by the use of the map scale shown thereon. Where the boundary of a district follows a stream or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Town of Lyons, unless otherwise indicated. In case of uncertainty as to the true location of a district boundary line in a particular instance, the Zoning Inspector shall request the Board of Appeals to render its determination with respect thereto.
ARTICLE IV
District Regulations

4.100 Application of Regulations

A. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, moved or structurally altered unless in conformity with the regulations herein specified for the district in which it is located.

B. No building or structure shall hereafter be erected or altered to exceed the height; occupy a greater percentage of lot area; or have narrower or smaller rear yards, front yards, side yards or other open spaces than are specified herein for the district in which it is located.

C. No part of a yard or other open space or off-street parking or loading space required about or in connection with any structure for the purpose of complying with this law shall be included as a part of a yard or other open space or off-street parking or loading space similarly required for another structure.

D. Every principal building shall be built upon a lot with frontage upon a public street improved to meet the standards of the Town of Lyons.

E. Every residential building hereafter erected shall be located on a lot as defined herein, and there shall be not more than one residential building on one lot, except as specifically permitted elsewhere in this law. If more than one lot is located on a piece of property, each lot must meet the requirements of this law.

F. If any use could be construed to be incorporated within a general use listing, the more restrictive listing, if any, shall control.

G. Any uses not specifically permitted within any district shall be deemed prohibited.

4.200 Residential-Agricultural (R-A) District Regulations

The following regulations shall apply in the Residential-Agricultural District:

A. Permitted Principal Uses:

(1) Single-family dwelling
(2) Two-family dwelling
(3) Customary farm occupation
(4) Public utility structure
(5) Church or similar place of worship, parish house, convent, rectory or parsonage
(6) Public building of a governmental or cultural nature, school and other educational institution, public park and playground, day-care facility
(7) Hospital, nursing or convalescent home, adult care facility
(8) Bed and breakfast establishment
(9) Rooming house
(10) Mobile home

B. Permitted Accessory Uses:
(1) Home occupation
(2) Private garage
(3) Other customary accessory use and building, provided such use is incidental to the principal use and does not include an activity commonly conducted as a business.
(4) Professional office of a physician, lawyer, dentist, architect or engineer, surveyor or attorney, when conducted in a dwelling by the inhabitant thereof.
(5) Roadside stand, in connection with a farm occupation, for the display and sale of agricultural products.
(6) Off-street parking and loading
(7) Signs
(8) Accessory farm buildings

C. Uses Requiring a Special Permit:
(1) Abattoir
(2) Airfield, landing strip and related facilities
(3) Kennel, animal hospital and veterinary clinic
(4) Camp
(5) Cemetery
(6) Community building, golf course, social halls, clubs, lodges and fraternal organizations.
(7) Extractive industry and commercial logging operation*
(8) Sawmill*
(9) Hog, pig, poultry or fur-bearing animal farm*
(10) Migrant labor camp
(11) Mobile home park*
(12) Multi-family dwelling*
(13) Riding academy and livery stable*
(14) Large-scale business or industrial development
(15) Planned development group*
(16) Telecommunications facility*
D. Lots: minimum requirements

(1) Lots not served with public sewer or water:
   (a) Area: 1 acre*
   (b) Width: 150 feet
   (c) Depth: 100 feet

(2) Lots served with either public sewer or public water:
   (a) Area: 10,000 square feet*
   (b) Width: 125 feet
   (c) Depth: 200 feet

E. Yards: minimum requirements

(1) Front: 50 feet*
(2) Rear: 40 feet*
(3) Each side: 20 feet

F. Maximum building height: 2 1/2 stories, not to exceed 35 feet*

G. Maximum lot coverage: 30%

* See also: Specific standards for special permits, section 4.300 (B)

4. 220 General Residential (R-1) District Regulations

The following regulations shall apply in the General Residential District:

A. Permitted Principal Uses: All permitted principal uses as regulated in R-A districts, except a mobile home.

B. Permitted Accessory Uses: All permitted accessory uses as regulated in R-A districts, except a roadside stand.

C. Uses Requiring a Special Permit: none

D. Lots: minimum requirements

(1) Lots not served with public sewer or water:
   (a) Area: 30,000 square feet
   (b) Width: 125 feet
   (c) Depth: 200 feet

(2) Lots served with either public sewer or public water:
   (a) Area: 20,000 feet
   (b) Width: 100 feet
   (c) Depth: 150 feet

E. Yards: minimum requirements

(1) Front: 50 feet
(2) Rear: 30 feet
(3) Each side: 15 feet

* Section 4.220 C. amended 12/04/00, 9/19/01
F. Maximum building height: 2 1/2 stories, not to exceed 35 feet
G. Maximum lot coverage: 30%

4. 240 Flood Plain (F-P) District Regulations

The following regulations shall apply in the Flood Plain District:

A. Permitted Principal Uses:
   (1) Customary farm occupation, but shall not include or permit the spreading, accumulation, feeding or use of garbage in any manner.
   (2) Park, playground or community recreation area, operated by a governmental agency.
   (3) None of the above uses shall include the creation of any building or structure for residential purposes.

B. Permitted Accessory Uses:
   (1) Home occupation and professional office in an existing residential structure.
   (2) Private garage
   (3) Off-street parking and loading
   (4) Offices incidental and necessary to the conduct of a permitted use.
   (5) Signs
   (6) Other accessory uses and buildings customarily appurtenant to a permitted use.

C. Uses Requiring a Special Permit:
   (1) Private non-commercial recreation area, use and facility, including sportsman's club and facility.
   (2) Kennel
   (3) Outdoor theater, golf driving range, and similar commercial recreation facility.
   (4) Private airport or landing strip.
   (5) Dumping of non-combustible materials for land fill purposes.
   (6) Equipment and material storage yard.

D. Lots: minimum requirements
   (1) Lots not served with public sewer or water:
       (a) Area: 2 acres
       (b) Width: 250 feet
       (c) Depth: 200 feet
(2) Lots served with either public sewer or public water:
   (a) Area: 1 acre
   (b) Width: 150 feet
   (c) Depth: 200 feet

E. Yards: minimum requirements
   (1) Front: 50 feet
   (2) Rear: 50 feet
   (3) Each side: 40 feet

F. Maximum building height: 3 stories, not to exceed 40 feet.

G. Maximum lot coverage: 35%

4. 260 Commercial (C-1) District Regulations

The following regulations shall apply in the Commercial District:

A. Permitted Principal Uses:
   (1) Retail business or service establishment
   (2) Office, bank or other financial institution
   (3) Social hall, club or lodge
   (4) Motel or Hotel
   (5) Motor vehicle service station
   (6) Theater or auditorium
   (7) Motor vehicle repair shop
   (8) Public garage
   (9) Funeral parlor
   (10) Bowling alley
   (11) Automobile sales and showroom
   (12) Highway commercial establishment catering generally to the tourist, such as a gift shop, antique shop, and specialty shop.
   (13) Public utility structure

B. Permitted Accessory Uses:
   (1) Dwelling
   (2) Signs
   (3) Off-street parking and loading
   (4) Other accessory uses and buildings which are clearly incidental to a permitted use.
C. Uses Requiring a Special Permit:
(1) Travel trailer sales
(2) Mobile home sales and repair
(3) Mobile home park
(4) Public and semipublic uses of a welfare, educational, recreational or cultural nature.
(5) Nursing or convalescent home
(6) Railway or bus passenger station
(7) Commercial self-service storage facility
(8) Marina and Boatyard

D. Lots: minimum requirements
(1) Lots not served with public sewer or water:
   (a) Area: 20,000 square feet
   (b) Width: 125 feet
   (c) Depth: 150 feet
(2) Lots served with either public sewer or public water:
   (a) Area: 20,000 square feet
   (b) Width: 125 feet
   (c) Depth: 100 feet

E. Yards: minimum requirements
(1) Front: 50 feet
(2) Rear: 25 feet
(3) Each side: 15 feet

F. Maximum building height: 3 stories, not to exceed 45 feet.

G. Maximum lot coverage: 80%

4. 280 Industrial (M-1) District Regulations
The following regulations shall apply in the Industrial District:

A. Permitted Principal Uses:
(1) Agricultural or nursery uses including the display and sale of farm products and the raising of stock and poultry, but not including dwellings.
(2) Public utility structure
(3) Wholesale business, warehousing and distribution plants; storage and sales yards, open or enclosed, used for the storage of fuel, wood and coal, building materials, produce and meat, and machinery; contractor's equipment storage yards.
(4) Heavy commercial uses including machine shops, trade schools, machinery sales, laundries, bakeries, bottling works, dry cleaning and dyeing, custom manufacturing, manufacture of electronic equipment or precision instruments, furniture, optics and watches, research and other laboratories.

(5) The manufacture, assembly or storage of products not objectionable or injurious because of smoke, dust, noise, vibration, odors, glare, noxious gas, hazardous materials, waste or particulate matter, traffic hazard or congestion, or fire or explosive hazard. Such materials would include: cloth, metal, plastic, paper, wood, leather, precious or semi-precious metals or stones, electronic or electrical instruments or devices, candy, food products, pharmaceuticals and the like.

(6) Commercial self-service storage facility.

B. Permitted Accessory Uses:

(1) Accessory uses and buildings clearly incidental to a permitted use.

(2) Signs

(3) Off-street parking and loading

(4) Private garages

C. Uses Requiring a Special Permit:

(1) Freight or truck terminal for the overnight parking of trucks, tractors or trailers

(2) Retail business or service establishment

(3) Junkyard, wrecking yard and scrap processing

(4) Dump

(5) Adult uses

D. Lots: minimum requirements

(1) Lots not served with public sewer or water:
   (a) Area: 1 acre
   (b) Width: 200 feet
   (c) Depth: 150 feet

(2) Lots served with either public sewer or public water:
   (a) Area: 20,000 square feet
   (b) Width: 100 feet
   (c) Depth: 200 feet

E. Yards: minimum requirements

(1) Front: 75 feet
(2) Rear: 35 feet
(3) Each side: 25 feet
F. Maximum building height: 4 stories, not to exceed 60 feet.

G. Maximum lot coverage: 50%

4.300 Regulations Governing Special Uses

Land uses or activities requiring a Special Permit, as set forth in this law, shall be permitted only upon authorization by the Board of Appeals pursuant to review by the Planning Board provided that such uses shall be found by the Board of Appeals to comply with the following general requirements and other applicable requirements as set forth in this law:

A. General Standards:

(1) The use should be one specifically enumerated as a special use in the district in which it is to be located.

(2) The use shall be compatible with adjoining development, shall not cause substantial injury to the value of other property where it is to be located, shall provide adequate landscaping and screening, and shall not jeopardize the public health, safety, welfare and convenience.

(3) The use shall provide vehicular access and off-street parking and loading so as to minimize interference with traffic on the thoroughfares and shall provide appropriate pedestrian walkways so as to insure public safety.

B. Specific Standards:

In addition to the general standards prescribed for all special permits, the following specific standards shall apply to the listed uses:

(1) Junkyard, Wrecking Yard and Scrap Processing:

(a) Any area used for this purpose shall be enclosed by a substantial and solid fence at least eight (8) feet in height, with openings only for access and egress, which shall be kept in good order and repair.

(b) Any area used for this purpose shall not be located nearer than 200 feet to any residential or commercial district and shall be no nearer than 50 feet from any public highway right-of-way line.

(2) Retail Uses in Industrial Districts:

(a) Such use shall be permitted only where the applicant can prove to the Board of Appeals that such use is necessary to serve primarily industrial uses in the vicinity.

(3) Sawmills:

(a) A site plan showing the following data shall be submitted upon application for a special permit to build or operate a sawmill:

(1) The proposed area of operation.
(2) The minimum distance of any sawmill and related facilities from an existing or proposed street.

(3) The proposed manner of operation, including the routing of traffic to and from the site.

(4) The hours of operation.

(b) No sawmill shall be located any closer than 500 feet to any off-premises building used as a residence.

(c) No sawmill shall be located within 200 feet of any public right-of-way.

(d) No sawmill shall be located closer than 500 feet from another existing sawmill.

(4) Extractive Industries and Commercial Logging Operations:

(a) A site plan showing the following information shall be submitted upon application for a special permit to operate an extractive industry or commercial logging operation:

(1) The proposed area of operation.

(2) The minimum distance of any excavation, mining or logging operation from an existing or proposed street.

(3) Property lines.

(4) The proposed manner of operation, including the routing of traffic to and from the site.

(5) The proposed restoration or improvement of the site at the conclusion of the operation.

(6) The hours of operation.

(b) The final slope of any spoil in any excavation, mining or logging operation shall not exceed the normal angle of repose of the material. Any spoil mounds or areas stripped shall be seeded or planted with vegetation to prevent erosion.

(c) No depression, pit or mine shall be left open or below the surrounding ground level unless adequately drained and properly fenced.

(d) The area of operation shall not occur any closer than 1,000 feet from any existing structure or building intended for residential purposes, nor within 200 feet of any public right-of-way.

(e) Arable soil in the area of the operation shall be set aside and used in the reclamation of the site in accordance with "a" above.
(f) The Board of Appeals may prescribe other reasonable measures to preserve the appearance of the area and avoid hazardous conditions.

(5) Planned Development Groups:

(a) Under the standard provisions of this law, a separate ground area must be designated, provided and continuously maintained for each structure or use. Pursuant to the procedure hereinafter set forth, two or more such structures may be erected and maintained on the same lot. Also, several lots may be combined into one plan covering a planned development group. The procedure is intended to permit diversification in the location of structures and to improve circulation facilities and other site qualities while ensuring adequate standards relating to the public health, safety, welfare and convenience in the use and occupancy of buildings and facilities in planned groups.

(b) Before approval of a special permit, the Planning Board shall review the site plan and shall make findings in regard to the following:

(1) Traffic Access: All proposed site traffic access ways are adequate, but not excessive in number, adequate in grade, width, alignment and visibility, and not located too near street corners, the entrances to schools or places of public assembly and other similar considerations.

(2) Circulation and Parking: That the interior traffic circulation system is adequate and that all required parking spaces are provided and are easily accessible.

(3) Paving and Drainage: There shall be adequate design of grades, paving gutters, drainage and treatment of turf to handle storm waters, prevent erosion and formation of dust.

(4) Disposal of Usable Open Space: That in accordance with the intent of this law, wherever possible, usable open space is disposed of in such a way as to insure the safety and welfare of residents.

(5) Arrangement of Buildings: That adequate provision has been made for light, air, access and privacy in the arrangement of buildings to each other. Each dwelling unit shall have a minimum of two (2) exterior exposures.

(6) Proper Landscaping: That the proposed site is properly landscaped, the purpose of which is to further enhance the natural qualities of the land. Where adjacent land use dictates, proper screening and buffering zones may be required.
(7) Signs and Lighting: Signs and lighting devices shall be properly arranged with respect to traffic control devices and adjacent residential areas.

(6) Multiple Dwellings:
(a) The minimum lot size for multiple dwellings shall be:

1. Lots not served with public sewer or water: 10,000 square feet per dwelling unit and not less than 24,000 square feet total.
2. Lots served with either public sewer or public water: 5,000 square feet per dwelling unit and not less than 20,000 square feet total.

(b) The minimum size of dwelling units, exclusive of additional building area required for common use of the tenants, such as lobbies, corridors, stairways, elevators and storage space shall be:

1. 550 Square feet for an efficiency apartment, but that not more than 25% of the total dwelling units provided may be efficiency apartments.
2. 675 Square feet for a one-bedroom apartment.
3. 800 Square feet for a two-bedroom apartment
4. 950 Square feet for a three bedroom apartment
5. In any dwelling unit, any room occupied for sleeping purposes by one person shall contain at least 70 square feet of floor space. Any room occupied for sleeping purposes by two persons shall contain at least 100 square feet of floor space. No more than two persons may occupy any single bedroom or sleeping area.

(c) The maximum permitted height for multiple dwellings shall be 3 stories, not to exceed 40 feet.

(d) Multiple dwellings shall have a minimum front yard setback of 70 feet and a minimum rear yard setback of 50 feet.

(e) No exterior wall shall exceed 100 feet in length unless there is a lateral offset of at least 10 feet in its alignment.

(f) All stairways to the second or higher floor shall be located inside the building.

(g) Access to public streets shall be provided as follows:

1. All multiple dwellings shall have direct access to a dedicated highway.
2. If there are more than twelve dwelling units in a multiple dwelling or complex, direct access shall be provided to a county or state.
highway by a private driveway or road dedicated to the town by the developer.

(3) If there are more than fifty dwelling units in an apartment complex, or if in the opinion of the planning board, the location or topography of the site indicates the need for additional access, the planning board may require such additional access as a condition of site plan approval.

(h) Off-street parking shall be provided as required by this law, except that parking areas shall not be located within the front yard or required side yard setbacks. Parking areas which abut or face upon a residential use or residentially zoned property shall be effectively screened from view by an opaque fence or dense planting of evergreens not less than six feet in height.

(i) The minimum distances between separate buildings in an apartment complex shall be as follows:

(1) Between the front of one building and the front or rear of another building - One-half the sum of the heights of the opposing buildings, but not less than fifty feet and not needing to exceed eighty feet.

(2) Between the rear of one building and the rear of another building - Four-tenths of the sum of the heights of the opposing buildings, but not less than fifty feet and not needing to exceed sixty feet.

(3) Between the front or rear of one building and the side of another building - One-fifth of the sum of the heights of the opposing buildings, but not less than fifty feet and not needing to exceed seventy-five feet.

(j) There must be an adequate supply of potable water for domestic consumption and fire fighting purposes. If there are more than fifty dwelling units in the apartment complex, public water must be available.

(k) If there are more than fifty dwelling units in the apartment complex, public sewers must be available. The provisions for the disposal of all sewage must be approved by the New York State Department of Health before final approval can be acquired and a permit issued.

(l) The street systems of apartment complexes shall meet the following minimum requirements, absent control by another jurisdiction:

(1) Roads connecting the street system to a public highway shall have a minimum road pavement width of 34 feet where parking is permitted on both sides, and a minimum road pavement width of 27 feet where parking is limited to one side. Where an entrance road is more than 100 feet long and does not provide access to abutting buildings along such distance, the minimum road
pavement width may be 20 feet, provided that parking is prohibited on both sides.

(2) Internal streets shall have a minimum road pavement width of 25 feet, provided that parking is limited to one side.

(3) Internal streets may have a minimum road pavement width of 18 feet if no parking is provided and either of the following conditions apply:
   (a) The street is less than 500 feet long and serves less than 25 dwelling units.
   (b) The street is one-way and provides access to abutting buildings on one side only.

(4) Dead end streets shall be limited in length to 1,000 feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 100 feet.

(5) All streets shall be surfaced with a hard, smooth, dustless material, shall be durable and well-drained under normal use and weather conditions, and shall be striped to delineate parking spaces. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base.

(6) Within 100 feet of an intersection, streets shall be at approximately right angles. A distance of at least 150 feet shall be maintained between center lines of offset intersecting streets. Intersections of more than two streets at one point shall be avoided.

(m) All areas of the apartment complex shall be provided with artificial light of sufficient intensity as to afford safe movement of vehicles and pedestrians at night, with special consideration given to potentially hazardous locations, such as street intersections, steps and ramps.

(n) The entire apartment complex shall be provided with safe, convenient, concrete pedestrian walkways between individual dwelling units, streets, parking areas, buildings and facilities provided for residents. Walkways shall be a minimum of three and one-half feet in width and separated from the street system by at least four feet.

(o) Trees and shrubs shall be provided along all walks and streets, where feasible, and around recreation areas. Trees shall be planted at intervals of approximately 50 feet.

(p) The storage, collection and disposal of refuse in the apartment complex shall be conducted so as not to create health hazards, rodent harborage, insect breeding areas, fire hazard, or noxious odors. All refuse shall be stored in watertight, insect and rodent-proof containers which shall be located not more than
150 feet from any individual dwelling unit. Containers shall be provided in sufficient number and capacity to properly store all refuse. Refuse containers shall be separated from all adjoining lots or rights-of-way by a screening device not less than four feet in height, or otherwise contained within an enclosed structure, except during such times as are designated for the removal of contents. All refuse shall be collected at least weekly.

(q) Storage areas shall be maintained so as to prevent rodent harborage. Lumber, pipes, and other building materials shall be stored at least one foot above grade. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials. The growth of brush, weeds, and grass shall be controlled to prevent the harborage of ticks, chiggers and other noxious insects. Apartment complexes shall be maintained to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds. Open areas shall be maintained free of heavy undergrowth of any description.

(r) Each apartment complex shall be provided with one or more outdoor recreation areas, which shall be accessible to all residents. Outdoor recreation areas shall be a minimum of 200 square feet per dwelling unit in the complex, but not less than 5,000 square feet. Outdoor recreation areas shall be located so as to be free of traffic hazards and should, where the topography permits, be centrally located.

(s) Apartment complexes shall be laid out and graded to provide positive drainage away from buildings, and storm sewers, culverts and related installations shall be provided where necessary.

(7) **Riding Academy and Livery Stable:**

(a) The minimum lot area for riding academies and livery stables shall be in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Number of Horses</th>
<th>Minimum Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 or 2</td>
<td>3</td>
</tr>
<tr>
<td>3 to 5</td>
<td>5</td>
</tr>
<tr>
<td>6 to 10</td>
<td>1 acre per horse</td>
</tr>
</tbody>
</table>

(b) Where more than ten horses are to be kept, the minimum lot size shall be an additional 1/2 acre per additional horse.

(c) The barns, stalls, paddocks and other grounds associated with the riding academy or livery stable shall be maintained in a clean and sanitary manner so as not to create any condition or odor which would be objectionable to persons occupying neighboring properties.
(8) Hog, Pig, Poultry or Fur-Bearing Animal Farm:
(a) No structure or area used to shelter or feed hogs, pigs, poultry or fur-bearing
animals shall be located within 200 feet of any property line.
(b) The barns, sheds, feedlots and other grounds associated with the hog, pig,
poultry or fur-bearing animal farm shall be maintained in a clean and sanitary
manner so as not to create any condition or odor which would be objectionable to
persons occupying neighboring properties.

(9) Mobile Home Parks:
(a) The construction, alteration and extension of mobile home parks shall require
a building permit, and shall comply with all of the requirements of this law.

(1) All applications for permits shall contain the following:
(a) Name and address of applicant; if the applicant is a partnership, the names and addresses of the partners; if the
applicant is a corporation, the names and addresses of the
officers and directors.
(b) Name and address of the owner of the land.
(c) Location and legal description of the mobile home park.
(d) Two sets of engineering and/or architectural plans showing
the following:
(1) Area and dimensions of the tract of land.
(2) Number, location and size of all mobile home lots.
(3) Location and width of roadways and parkways.
(4) Location of service buildings and other proposed
structures.
(5) Location of water and sewer lines and riser pipes.
(6) Plans and specifications of the water supply and
sewage disposal systems.
(7) Plans and specifications of all buildings to be
constructed, altered or extended.
(8) Location and details of lighting and electrical
systems.

(2) Upon review of the application, and subject to evidence that the
mobile home park meets the minimum requirements of the New
York State Department of Health, the Building Inspector shall
issue a permit if satisfied that the proposed improvements meet the
requirements of this law.
(b) Conditions of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion shall be subject to unpredictable or sudden flooding or erosion.

(c) A mobile home park shall have an area of not less than five (5) acres and the total number of mobile home lots shall not exceed ten (10) per acre.

(d) All mobile homes shall be located at least 100 feet from any park property line abutting upon a public street or highway and at least 50 feet from other park property lines.

(e) Mobile homes shall be separated from each other and from other buildings and structures by at least 30 feet, provided that mobile homes placed end to end may have a clearance of 20 feet where opposing rear walls are staggered.

(f) For purposes of all separation requirements, all porches, decks and patios which are more than one (1) foot above grade and/or have an opaque roof shall be considered a part of the mobile home if attached to or located within 10 feet of such mobile home.

(g) There shall be a minimum distance of 15 feet between an individual mobile home and an adjoining street, parking area, walk or other common area.

(h) In all parks accommodating or designed to accommodate five or more mobile homes, there shall be one or more outdoor recreation areas which shall be easily accessible to all park residents. The size of such recreation areas shall be based upon a minimum of 200 square feet for each lot. No outdoor recreation area shall contain less than 5,000 square feet. Outdoor recreation areas shall be located so as to be free of traffic hazards and should, where topography permits, be centrally located.

(i) The street systems of mobile home parks shall meet the following minimum requirements, absent control by another jurisdiction:

1. Roads connecting the street system to a public highway shall have a minimum road pavement width of 34 feet where parking is permitted on both sides, and a minimum road pavement width of 27 feet where parking is limited to one side. Where an entrance road is more than 100 feet long and does not provide access to abutting mobile home lots along such distance, the minimum road pavement width may be 20 feet, provided that parking is prohibited on both sides.

2. Internal streets shall have a minimum road pavement width of 20 feet.
(3) Internal streets may have a minimum road pavement width of 18 feet if no parking is provided and either of the following conditions apply:

(a) The street is less than 500 feet long and serves less than 25 mobile homes.

(b) The street is one-way and provides access to abutting mobile home lots on one side only.

(4) Dead end streets shall be limited in length to 1,000 feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 100 feet.

(5) All streets shall be surfaced with a hard, smooth, dustless material, shall be durable and well-drained under normal use and weather conditions, and shall be striped to delineate parking spaces. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base.

(6) Within 100 feet of an intersection, streets shall be at approximately right angles. A distance of at least 150 feet shall be maintained between center lines of offset intersecting streets. Intersections of more than two streets at one point shall be avoided.

(j) All areas of the mobile home park shall be provided with artificial light of sufficient intensity as to afford safe movement of vehicles and pedestrians at night, with special consideration given to potentially hazardous locations, such as street intersections, steps and ramps.

(k) All mobile home parks shall be provided with safe, convenient, dust-free, all-season pedestrian access between individual mobile homes, streets, parking areas, buildings and facilities provided for residents. Walkways shall be at least two feet in width and separated from the street system by at least four feet.

(l) Trees and shrubs shall be provided along property lines, where feasible, and around recreation areas. Trees shall be planted at intervals of approximately 50 feet.

(m) An accessible, adequate, safe and potable supply of water shall be provided in each mobile home park. Where a public supply of water of satisfactory quantity, quality and pressure is available, connection shall be made thereto and its supply used exclusively. When a satisfactory public water supply is not available, a private water supply system may be developed and used as approved by the New York State Department of Health. If public water is available, fire hydrants shall be provided in accordance with the requirements of the fire department.
(n) An adequate and safe sewage disposal system shall be provided in all mobile home parks. Where a public sewer system of satisfactory capacity is available, connection shall be made thereto. When a satisfactory public sewer system is not available, a private sewage disposal system may be developed and used as approved by the New York State Department of Health.

(o) Each mobile home lot shall be improved with a stand of concrete or compacted gravel to provide an adequate foundation for the placement and tie-down of the mobile home. At the time of installation, the mobile home shall be securely blocked, leveled, tied down and connected to required utilities. Mobile homes shall be completely skirted to provide a finished exterior appearance and no exposed wallboard, building paper, or similar unfinished material will be permitted. No travel trailer, as defined in this law, shall be permitted to be placed on a temporary or permanent basis in a mobile home park.

(p) Every mobile home park shall contain an electrical distribution system installed and maintained in accordance with applicable codes and regulations governing such systems. Power lines to each mobile home shall be installed underground.

(q) Every mobile home park shall be provided with facilities for the safe storage and handling of necessary fuels. Natural gas, liquefied petroleum gas and fuel oil systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

(r) The storage, collection and disposal of refuse in the mobile home park shall be conducted so as not to create health hazards, rodent harborage, insect breeding areas, fire hazards, or noxious odors. All refuse shall be stored in watertight, insect and rodent-proof containers which shall be located not more than 150 feet from any individual mobile home. Containers shall be provided in sufficient number and capacity to properly store all refuse. Refuse containers shall be separated from all adjoining lots or rights-of-way by a screening device not less than four feet in height, or otherwise contained within an enclosed structure, except during such times as are designated for the removal of contents. All refuse shall be collected at least weekly.

(s) Storage areas shall be maintained so as to prevent rodent harborage. Lumber, pipes, and other building materials shall be stored at least one foot above grade. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screen with wire mesh or other suitable materials. The growth of brush, weeds, and grass shall be controlled to prevent the harborage of ticks, chiggers and other noxious insects. Mobile home parks shall be maintained to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds. Open areas shall be maintained free of heavy undergrowth of any description.
(t) Mobile home parks shall be laid out and graded to provide positive drainage away from buildings, and storm sewers, culverts and related installations shall be provided where necessary.

(u) Off-street parking shall be provided as required by this law. No off-street parking space shall be located more than 200 feet from the mobile home which it is intended to serve.

(10) **Adult Uses:**

Adult uses shall be subject to the following restrictions:

(a) No adult use shall be located within 500 feet of another adult use.

(b) No adult use shall be located within 500 feet of the boundaries of any R-A or R-1 district.

(c) No adult use shall be located within 500 feet of any premises used for residential purposes, exclusively or in conjunction with another use; a school; or a place of worship.

(d) No adult use shall be located in any zoning district other than the M-1 Industrial District.

(e) In addition to any and all other necessary licenses and permits, no form of adult use shall be allowed to operate or be allowed to continue to operate, until a certificate of registration is filed with the Building Inspector containing the following information:

1. The address of the premises.
2. The names, addresses and phone numbers of the owners of the business and property.
3. The name of the business or establishment.
4. The date of the initiation of the adult use.
5. The exact nature of the adult use.

If there occurs any change in the information required for the certificate of registration, the Building Inspector shall be notified of such change, and a new or amended certificate of registration shall be filed within 30 days of such change.

The processing fee for each such certificate of registration or amendment thereto shall be fifty dollars ($50.00).

The owner, manager or agent of any adult use shall cause a copy of the certificate of registration issued under the provisions of this section to be prominently displayed on the premises, building or location for which it is issued.

(f) No adult use shall be conducted in any manner that permits the observation of any sexually explicit material from any public way or from any property not registered as an adult use.
4.300 B. (11) Telecommunications Facilities:

Telecommunications facilities shall be subject to the following restrictions:

(a) No telecommunications facility shall be located in any zoning district other than the R-A Residential-Agricultural District.

(b) At all times, shared use of existing facilities shall be preferred to construction of new facilities. An applicant for a special permit to construct a telecommunications facility shall be required to present an adequate report inventorying existing telecommunications facilities within a reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities and use of other existing structures as an alternative to new construction.

(c) In the case of new telecommunications facilities, the applicant shall be required to submit a report demonstrating good faith efforts to secure shared use from existing facilities. Copies of written requests and responses for shared use shall be provided.

(d) The applicant must examine the feasibility of designing a proposed telecommunications facility to accommodate future demand for two additional commercial applications and shall design the facility for such shared use unless this requirement is waived by the Planning Board.

(e) All telecommunications facilities and accessory facilities or structures shall be sited to have the least practical adverse visual effect on the environment. Accessory facilities shall maximize use of building materials, colors and textures designed to blend with natural surroundings. Any communication tower shall remain unpainted, or be painted gray or an appropriate color to harmonize with the surroundings. Towers shall not be artificially lighted or marked except as otherwise required by law.

(f) Existing on-site vegetation shall be preserved to the maximum extent practicable. Reasonable landscaping consisting of trees, shrubs and plantings shall be utilized to effectively screen the base of any tower and accessory facilities from adjacent properties.

(g) Communications towers shall comply with all existing setback requirements of the applicable zoning district, or such setbacks shall be equal to 1/2 the height of the tower, whichever is greater.

(h) Telecommunications facilities shall be located, fenced or otherwise secured in a manner which prevents unauthorized access by the general public.

C. Changes or Modifications:

(1) Any change or modification to a use requiring a special permit shall require Planning Board review, except for the following:

(a) Removal or repair of a dangerous condition to a principal or accessory

* Section 4.300 B. (12) added 12/04/00; repealed 9/19/01
structure when determined by an enforcement agency that circumstances exist which, if not corrected, constitute a threat to life, health, or safety of the general public or such other persons for whose protection such regulations were intended.

(b) Routine repair, replacement, or maintenance of electrical or mechanical installations or of damaged or worn parts or surfaces, including repainting, facade repair and roof replacement of principal and accessory structures.

(c) Changes in ownership or management which do not change the specific use of the property.

(d) Repaving or painting of driveways and parking areas without altering the approved traffic pattern.

(e) Routine landscaping or the repair or replacement of existing screening devices, without altering the approved vehicular or pedestrian traffic patterns and consistent with applicable controls concerning height, location, and visibility.

(2) If the Planning Board determines that a proposed change or modification to a use requiring a special permit is substantial, the use shall require a new special permit to be issued by the Zoning Board of Appeals. A change or modification shall be deemed substantial if the proposal:

(a) Significantly changes the use, design, character or nature of development of the property in question, or;

(b) Would have a significant impact on the development or use of adjacent property, or;

(c) Would significantly impact the orderly flow of vehicular and/or pedestrian traffic on or off site.

(3) The Zoning Board may impose other conditions incidental to the issuance of a special permit which, in its opinion, are reasonable and necessary and are in compliance with applicable provisions of the law.

4.400 Supplementary Regulations

A. Lot Regulations:

(1) The area or dimension of any lot shall not be created or reduced to less than the minimum required by this law. If already less than the minimum required by this law, said area or dimension may be continued and shall not be further reduced.

(2) At all street intersections, no obstruction to vision which is a hazard to vehicular movement exceeding 3 feet in height above curb level, shall be permitted on any lot within the triangle formed by the street lot lines of such lot and a line drawn between the points along such street lot lines 25 feet distant from their point of intersection.
B. Height Exceptions:

The height limitations of this law shall not apply to church spires, belfries, cupolas and domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, bulkheads, antennas, similar features and necessary mechanical appurtenances usually carried above the roof level.

C. Yard Regulations:

(1) Corner lots shall provide the minimum front yard requirements for the respective district for both intersecting streets.

(2) Where a building lot has frontage upon a public street which on the traffic plan or official map of the Town of Lyons is contemplated for right-of-way widening, the required front yard area shall be measured from such proposed future right-of-way line.

(3) All uses permitted in the C-1 district shall provide a minimum side yard of 50 feet where such side yard abuts an R-A or R-1 district.

(4) All uses permitted in the M-1 district shall provide a minimum side yard of 100 feet where such side yard abuts an R-A or R-1 district.

D. Attached accessory structures:

An accessory structure attached to the main or principal building shall comply in all respects with the requirements of this law applicable to the main building.

E. Detached accessory structures:

(1) Accessory structures, which are not attached to a principal structure, may be erected in accordance with the following restrictions:

(a) No accessory structure may be located closer than 5 feet to any side or rear lot lines.

(b) No accessory structure may be located closer to the street than the street wall of the principal structure, except that where the principal structure is more than 200 feet from the front lot line, an accessory building shall be no closer than 200 feet from the front lot line.

(c) No accessory structure shall be located closer to a principal structure than 10 feet.

(d) A shed not requiring a permanent foundation shall not be subject to side or rear yard requirements, provided it does not exceed 140 square feet in area and 6 feet in height.

F. Landscaping Regulations:

Any new use which is in, abuts, is adjacent to, or is less than 50 feet from any R-A or R-1 district and which is not conducted within a completely enclosed building, such as junkyards, storage yards, lumber and building materials yards, parking lots, and like uses,
shall be entirely enclosed by a fence or wall, or landscaping sufficient to effectively shield such uses. This section shall not apply to nurseries, or to the display for sales purposes of new or used cars, trucks, trailers, bicycles, motorcycles, or farm equipment.

G. Fences:

(1) No person shall construct any fence in any R-1 district to a height greater than 4 1/2 feet above ground level except that a fence not exceeding 6 1/2 feet above ground level may be installed in any side or rear yard. In the front yard, fences shall have the finished side facing out. From the rear line of the front yard to the rear lot line, and along the rear lot line, either side of the fence may face out.

(2) Fences shall have a minimum setback of 1 foot from any lot line.

H. Off-street parking regulations:

In all districts, in connection with every manufacturing, business, institutional, recreational, residential or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces in accordance with the requirements set forth below. The number of required off-street parking spaces shall be the number required for the entire structure.

(1) Each off-street parking space shall have an area of not less than 200 square feet exclusive of access drives or aisles and each parking space shall have a minimum width of ten feet. There shall be adequate provision for ingress and egress to all parking spaces. Access drives or driveways shall not be less than ten feet wide.

(2) Off-street parking areas shall be designed so that all vehicular movement to and from the public right-of-way is in a forward direction, and shall permit entering and exiting without moving vehicles parked in other spaces. This provision shall not apply to one or two-family dwellings.

(3) No driveway connecting to a Town road shall be constructed without the approval of the Town Highway Superintendent and Town Zoning Officer. All culverts, grades and slopes shall be approved by the Town Highway Superintendent.

(4) Parking Schedule:

The ratios listed below for each use are based upon the square footage of a structure's floor area as defined herein. In calculating the required number of spaces, all fractional results shall be rounded up to the next highest whole number:

(a) Dwellings, including mobile homes: at least 1 and not more than 4 spaces for every dwelling unit.

*See also Sec. 6.500 A.
(b) Church or similar place of worship: at least 1 space for every 5 seats provided, except that this number may be reduced or eliminated if there exists within 500 feet of the place of worship, public or private parking lots containing a sufficient number of off-street parking spaces to satisfy this requirement. Any such parking must be shown to be legally available for worshippers on the day or days of greatest use.

(c) Community buildings, country clubs, social halls, lodges, fraternal organizations and similar uses: at least 1 space for each 200 square feet of floor area used in connection with the operation.

(d) Schools: at least 5 administrative spaces and at least 2 spaces for each classroom for preschools, elementary or middle/junior high schools; at least 5 spaces per classroom for high schools.

(e) Motels, hotels, rooming houses, and bed & breakfast establishments: at least 1 space for each rentable unit.

(f) Funeral home or mortuary: at least 5 spaces for each parlor, but not less than 10 spaces.

(g) Hospitals, nursing and convalescent homes: at least 1 space for every 3 beds provided, plus at least 1 space for every 2 employees in maximum shift.

(h) Motor vehicle service station or repair shop: at least 10 spaces.

(i) Day-care facility: at least 1 space for each employee in maximum shift, plus at least 1 space for every 5 children.

(j) Restaurant or other eating establishments, bars and nightclubs: at least 1 space for every 4 seats provided, or 1 space for every 100 square feet of customer floor area, whichever is greater.

(k) Professional residence-offices and home occupations: at least 5 spaces.

(l) Wholesale, warehouse, and storage buildings: at least 1 space for every employee in maximum shift or 1 space for every 500 square feet of floor area, whichever is greater.

(m) Retail stores, shops, and service establishments: at least 1 space for each 300 square feet of floor area.

(n) Bowling alleys: at least 6 spaces for each alley.

(o) Business offices: at least 1 space for every 400 square feet of floor area, but not less than 2 spaces.

(p) Theater or auditorium: at least 1 space for every 3 seats.

(q) Manufacturing, industrial and other general commercial uses: at least 1 space for each 1,000 square feet of floor area, plus 1 for each 4 employees in the maximum working shift.
(5) The above is to be used as a minimum standard, and in any event traffic generated must be accommodated.

(6) For structures and land uses that do not fall into the categories listed above, a reasonable and appropriate requirement for off-street parking shall be determined for each case by the Zoning Board of Appeals, which shall consider each new use based on the factors involved.

I. Off-Street Loading Regulations:

In any district, in connection with every building, or building group or part thereof hereafter erected, which is to be occupied by manufacturing or commercial uses or distribution by vehicles of materials or merchandise, there shall be provided and maintained, on the same zone lot with such building, off-street loading berths in accordance with the following requirements:

(1) Each loading space shall be not less than ten feet in width, sixty feet in length, and have a minimum clearance of fourteen feet, and may occupy all or any part of any required yard.

(2) Off-street parking and loading facilities for separate uses may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use and provided that all regulations governing the location of accessory spaces in relation to the use served are adhered to. Further, no accessory space or portion thereof shall serve as a required space for more than one use unless otherwise approved by the Zoning Board of Appeals in accordance with the purposes and procedures set forth herein.

(3) Minimum Off-Street Loading Requirements for retail and service establishments, commercial, wholesale, manufacturing, storage, and miscellaneous uses:

   (a) From 5,000 - 25,000 square feet of floor area: 1 off-street loading berth.
   (b) From 25,000 - 40,000 square feet of floor area: 2 off-street loading berths.
   (c) From 40,000 - 60,000 square feet of floor area: 3 off-street loading berths.
   (d) From 60,000-100,000 square feet of floor area: 4 off-street loading berths.
   (e) For each additional 50,000 square feet or fraction thereof: 1 additional off-street loading berth.

J. Roadside Stands:

All roadside stands must be set back a minimum of 30 feet from any highway right-of-way.

K. Residential Conversions:

All residential conversions shall have at least 3,000 square feet of lot area and at least 600 square feet of floor area for each dwelling unit, except as provided in section 4.300 (B)(6)(b)(1), and no converted building shall have more than a total of four dwelling units.
L. Bed and Breakfast Establishments:

(1) Overnight accommodations shall be for a maximum stay of seven consecutive
days. The owner shall maintain a guest register and shall preserve registration
records for a minimum of three years. The register and all records shall be
made available to the Building Inspector upon request.

(2) The number of rooming units for transient accommodation shall not exceed five.
The minimum lot size shall be the minimum lot size designated in the applicable
zoning district, plus 1,000 square feet for each rooming unit provided.

(3) Any meals provided or amenities connected with the rooming units, such as a
swimming pool or tennis court, shall be solely for the use of the owner, the
owner's family, and the owner's registered guests. No cooking or dining facilities
shall be permitted in individual rooming units.

(4) Any exterior alterations to the bed and breakfast establishment, and any walks,
fences, and landscaping shall maintain the appearance of a single-family resi-
dence.

M. Signs:

Signs may be erected and maintained only when in compliance with the following regu-
lations:

(1) Signs in R-A and R-1 Districts:

The following types of non-illuminated, non-advertising signs are permitted in all
residential districts as follows:

(a) Nameplate and Identification Signs: Signs indicating the name or address of
the occupant, or a permitted home occupation, provided that they shall not be
larger than 4 square feet in area. Only one such sign per dwelling unit shall be
permitted, except in the case of corner lots where two such signs (one facing each
street) shall be permitted for each dwelling unit.

(b) Sale or Rental Signs: Signs advertising the sale or rental of the premises
upon which they are located may be erected or maintained, provided that the size
of any such sign is not in excess of 6 square feet and not more than two such signs
shall be permitted, except in the case of corner lots where two additional signs
shall be permitted on each additional frontage.

(c) Institutional Signs: Signs of schools, colleges, churches, hospitals, sanatoria,
or other institutions of a similar public or semi-public nature may be erected and
maintained, provided that the size of any such sign is not in excess of 6 square
feet, and not more than one such sign shall be located on a property, except in the
case of corner lots where two such signs may be erected, one on each frontage.

(d) Signs Accessory to Parking Areas: Signs designating entrances and exits to or
from a parking area shall be limited to one sign for each such entrance or exit and
to a maximum size of 4 square feet. One sign per parking area designating the conditions of use or identity of such parking area shall be permitted and limited to a maximum size of 10 square feet, provided that on corner lots two such signs shall be permitted, one on each frontage.

(e) Development Signs: Signs advertising the sale or development of the premises upon which they are located, when erected in connection with the development of the premises, may be erected and maintained, provided that the size of any such sign is not in excess of 20 square feet, and not more than two such signs shall be located on a property, except in the case of corner lots where two such signs may be erected on each frontage. Any such signs shall be removed by the developer within 30 days of the final sale of the property.

(f) Signs Directing the Traveling Public to Eating, Lodging, Camping or Recreational Areas: No such sign shall exceed 50 square feet.

(g) Non-Residential Signs in R-A Districts:

(1) One sign for a Roadside Stand shall be permitted in each direction of approach to the stand, and one sign at the stand, providing that each such sign not exceed twenty-four (24) square feet.

(2) Signs for Bed and Breakfast Establishments shall conform to the requirements of section 4.400 (M)(1)(a) above.

(3) Signs for other non-residential uses shall conform to the applicable requirements of section 4.400(M)(1)(a) through (f). Signs for commercial or industrial uses in the R-A district shall be permitted if in conformance with section 4.400(M)(2), and only upon approval of the Planning Board.

(2) Signs in C-1 and M-1 Districts:

(a) No business sign shall exceed 100 square feet in any C-1 district or 150 square feet in any M-1 district, except that where only one surface of such sign is visible, the surface area may be increased by 50%.

(b) Flashing and revolving signs shall be prohibited. Stationary illuminated signs shall be permitted.

(3) General Regulations:

The following regulations shall apply to all permitted signs:

(a) No free standing sign shall be located nearer to any property line than 10 feet.

(b) No sign shall be higher than the height limit for the district where such sign is located, nor shall any sign be located upon the roof of any building.
(c) Signs shall be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.

(d) If the Building Inspector shall find that any sign regulated by this law is unsafe or not secure or is a menace to the public, he or she shall give written notice to the named owner of the sign and also the named owner of the land upon which the sign is erected, who shall remove or repair said sign within fifteen days of the date of said notice. If said sign is not removed or repaired, the Building Inspector shall revoke the permit issued, if any, and shall cause the removal or repair of said sign and shall assess all costs and expenses incurred in said removal or repair against the land or building on which such sign was located. The Building Inspector may cause any sign which is a source of immediate peril to persons or property to be removed summarily and without notice.

(e) Any sign, which in the determination of the Building Inspector, is abandoned or no longer advertises a bona fide business conducted or product sold on the premises shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or land upon which said sign shall be found within ten days after written notification by the Building Inspector. Where a business activity has been discontinued for a period of ninety days, the related sign(s) shall be presumed to be abandoned unless the owner, beneficial user or other party in interest files a written certification with the Building Inspector that such sign is to be utilized within thirty days following such ninety day period. This provision shall not apply to those signs which, in the determination of the Planning Board, are of unique artistic, cultural, architectural, or historic significance.

N. Wetlands:

(1) Wetlands areas are those areas so designated on any wetlands map for the Town of Lyons and determined by data developed by the Town, by Wayne County or by the State Department of Environmental Conservation.

(2) Each landowner who intends to conduct or become involved in a land use activity in a designated wetland shall notify the Building Inspector, stating the location and approximate acreage to be affected, the intended use for such land and the methods to be employed. The Building Inspector shall be satisfied that the intended use is permitted. Any question of compliance or interpretation shall be submitted to the Zoning Board of Appeals for determination.

O. Floodplains:

See the Town of Lyons Flood Damage Prevention Law.

P. Nonconforming Uses and Structures:

(1) Except as otherwise provided in this law, the lawfully permitted uses of land or structures existing at the time of the adoption of this law may be continued although such use or structure does not conform to the standards specified herein.
No existing structure or premises devoted to a nonconforming use shall be enlarged, extended, reconstructed, substituted or structurally altered except when changed to a conforming use, or when required to do so by law and as follows:

(a) Should any legally existing nonconforming use be destroyed by any means, it may be repaired or reconstructed to the original floor area which existed prior to such damage. All repairs shall be completed within two years from the time the destruction occurred, or such use shall not be rebuilt except as a conforming use. Such reconstruction may only occur on the same lot.

(b) A nonconforming use shall not be extended to displace a conforming use.

(c) A nonconforming use shall not be changed to another nonconforming use unless it is a similar or less nonconforming use.

(d) A nonconforming structure may be enlarged if all area, yard and other requirements of the district in which it is located are complied with.

(e) If a nonconforming use is changed to a conforming use, any future use shall conform to the provisions of this law.

(f) A nonconforming use may be changed to a conforming use.

(g) A building or other structure containing a nonconforming residential use may be altered to improve interior livability. No alterations shall be made which would increase the number of dwelling or rooming units.

The discontinuance of a nonconforming use for a period of 12 consecutive months, or the change of use to a permitted use shall be considered abandonment thereof and such nonconforming use shall not thereafter be revived. Partial use of a nonconforming use shall not be deemed to be an abandonment. The date that discontinuance of a nonconforming use commences shall be determined by the Building Inspector who shall send written notice of such determination to the property owner with a copy to the Town Clerk. Intent to resume active operations of a nonconforming use shall not affect the foregoing.

Nothing herein contained shall require any change in the plans, construction, or designated use of a building complying with existing laws, a permit for which shall have been obtained before the date of adoption of this law or any applicable amendment thereto, and which entire building shall have been completed according to such plans as have been filed, within one year of the adoption of this law or any applicable amendment thereto.

Nonconforming use rights and obligations, subject to the provisions of this law, remain with the land when title is transferred.

Brush, Grass and Weeds:

Accumulation Prohibited: It shall be unlawful for an owner, tenant or occupant of land lying within the Town of Lyons R-1 district to allow, suffer or permit on such lands any accumulation of brush, tall grasses and/or weeds,
including poison ivy and rag weed, in a manner detrimental to the public health, safety or general welfare or in such a manner as to constitute a fire hazard, or to allow the growth of such brush, tall grasses and/or weeds to a height greater than ten (10) inches on the average; and in all such cases, the owner, tenant or occupant shall remove or destroy the same.

(2) **Duty of Owner, Lessee or Occupant:** It shall be the duty of any owner, lessee or occupant of any such lot or plot of land in the Town of Lyons R-1 district to cut and remove or cause to be cut and removed all such brush, grasses and/or weeds, or other rank, poisonous or harmful vegetation as often as necessary to comply with the provisions of (1) above.

(3) **Notice to Remove:** Whenever brush, tall grasses and/or weeds, including rag weed and poison ivy, or other rank, poisonous or harmful vegetation, shall have been allowed, suffered or permitted to grow or accumulate on lands lying within the limits of the Town of Lyons R-1 district in a manner detrimental to the public health, safety or general welfare or in such manner as prohibited by (1) above, the Lyons Town Board or the Town of Lyons Zoning Inspector, Health Inspector, or other town official designated for this purpose shall cause seven (7) days' written notice to remove or destroy the same to be given to the tenant, occupant or owner of any such lands.

(4) **Contents of Notice:** The contents of said notice shall be as described in section 5.800 (C)(2) of this law.

(5) **Service of Notice:** The service of said notice shall be as described in section 5.800 (C)(3) of this law.

(6) **Failure to Comply:** In the event that any owner, tenant or occupant shall refuse or neglect to remove or destroy said accumulation within the time limited by said notice, then the Town Board or the Town of Lyons Zoning Inspector, or other Health Inspector, or other town official serving in such capacity may authorize and direct that the same be removed or destroyed and may use Town employees or hire contractors to accomplish the same.

(7) **Owner to be Responsible for Costs:** In the event that such owner, tenant or occupant shall refuse or neglect to remove or destroy any such accumulations as hereinbefore set forth, and it shall be necessary for the Town Board to cause the same to be removed or destroyed, the officer responsible shall certify the cost thereof to the Town Board.

(8) **Costs to be Charged Against Lands:** In all cases where brush, tall grasses and/or weeds, including rag weed and poison ivy, or other rank, poisonous or harmful vegetation, are destroyed or removed from any lands pursuant to this law by or under the direction of any official designated in (6) above, such official shall certify the cost thereof to the Town Board, as provided in (7) above, which shall examine the certification and, if found to be correct, shall cause the cost as shown thereon to be charged to become a lien upon such lands and to be
added to and become and form part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes and to be collected and enforced by the Tax Collector.

(9) Costs to be Lien: Upon resolution by the Town Board charging the cost against the lands, a certified copy thereof shall be filed with the Collector of Taxes of the Town of Lyons, and the amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form a part of the taxes next to be assessed and levied upon said lands, the same to bear interest at the same rate as taxes and shall be collected and enforced by the same officers in the same manner as taxes.

(10) Penalties for Offenses: Any person who violates any of the provisions hereof shall be liable to fine as described in section 5.800 (D) of this law.

R. Customary Farm Occupations in all districts:

(1) No retail or commercial activity shall take place other than a Roadside Stand.

(2) No odor- or dust-producing uses, including the storage of manure, shall take place within 150 feet from the nearest lot line, except that it is permissible to store and use, within the above limits, dust or spray material necessary to protect fruits, vegetables and farm crops from disease and insects.

(3) No hogs or chickens of any kind shall be kept except as an incidental part of a general farm operation.

(4) Fowl of any kind or livestock, including horses, shall only be kept on parcels of five acres or more in area or in a building, no part of which is closer to any property line than 150 feet.

(5) No garbage or refuse, other than that produced on the premises, shall be used for feed.
ARTICLE V
Administration and Enforcement

5. 100 Building Inspector
There is hereby established the office of Building Inspector. He is hereby given the power, duty and authority to enforce the provisions of this law and any other laws or regulations as directed by the Town Board. He or she shall have the power to make inspections of buildings and premises necessary to carry out his or her duties in the enforcement of this law. He or she shall examine all applications for permits, issue permits for the construction, alteration, enlargement and occupancy of all uses which are in accordance with the requirements of this law, record and file all applications for permits with accompanying plans and documents and make such reports as may be required.

5. 200 Building Permits
A. Purpose
To insure compliance with the provisions of this law, no person shall erect, alter, convert or demolish any structure or building, or part thereof, nor alter the use of any land subsequent to the adoption of this law, until a building permit has been issued by the Building Inspector.

B. Permitted Uses
Unless otherwise specified herein, all applications for permitted uses shall be accompanied by plans, in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any building and accessory buildings, sign, parking or loading area or other physical feature and such other information as may be necessary to determine and provide for enforcement of this law.

C. Special Permitted Uses
All applications for uses requiring a special permit shall be accompanied by plans and other such information as may be required by the Zoning Board of Appeals or Planning Board in accordance with this law.

D. Water Supply and Sewage Disposal
All water supply and sewage disposal installations that are not connected to public systems shall conform with the New York State Department of Health regulations. No plot plan shall be approved by the Building Inspector or Planning Board in any district unless such conformity is certified on the plan.

E. Issuance of Permits
It shall be the duty of the Building Inspector to issue a building permit, provided he or she is satisfied that the structure, building, sign, parking area, and the proposed use thereof, conform with all requirements of this law, and that all other reviews and actions, if any, called for in this law have been complied with and all necessary approvals secured therefor.
All building permits shall be issued in duplicate and one copy kept conspicuously on the premises affected and protected from the weather whenever construction work is being performed thereon. No owner, contractor, workman or other person shall perform any building operations of any kind unless a building permit covering such operation has been displayed as required by this law, nor shall they perform building operations of any kind after notification of the revocation of said permit.

F. Denial of Permits

When the Building Inspector is not satisfied that the applicant’s proposed development will meet the requirements of this law, he shall refuse to issue a building permit and the applicant may appeal to the Zoning Board of Appeals for a reversal of the Inspector's decision.

G. Expiration of Building Permit

Construction for which a permit is issued shall be commenced within six months of the date of issuance of the permit and completed within fifteen months of date of issuance. After such time, a building permit shall expire. Upon expiration of a permit, application may be made for a new permit, which shall be issued upon payment of the established fee and shall be valid for a period of six months from the date of issuance.

H. Revocation of Permits

If it shall appear, at any time, to the Building Inspector that the application or accompanying plan is in any material respect false or misleading, or that work is being done upon the premises differing materially from that called for in the application filed with him under existing laws or ordinances, he may forthwith revoke the building permit, whereupon it shall be the duty of the person holding the same to surrender it and all copies thereof to the said Building Inspector. After the building permit has been revoked, the Building Inspector may, in his discretion before issuing the new building permit, require the applicant to file an indemnity bond in the favor of the Town of Lyons with sufficient surety conditioned for compliance with this law and all building laws and ordinances then in force and in a sum sufficient to cover the cost of removing the building if it does not so comply.

5. 300 Certificate of Occupancy

No land, building or structure hereafter used, constructed, extended or altered to an extent which would require the issuance of a building permit shall continue to be used or occupied for more than ten days after completion of the work unless a certificate of occupancy or compliance shall have been issued by the Building Inspector, stating that the structures or use thereof complies with the provisions of this law.

All certificates of occupancy shall be applied for coincident with the application for a building permit. Said certificate will be issued after the erection or alteration shall have been approved by the Building Inspector as complying with the provisions of this law.

A certificate of occupancy shall certify that the work has been completed and that the proposed use and occupancy are in conformity with the provisions of the applicable building, housing, and zoning laws, ordinances and regulations. The certificate shall specify the use or uses and the extent thereof to which the building or structure or its parts may be put. Each certificate of
occupancy shall bear a certificate number, date of issuance, zoning district, street name and number, and other pertinent information.

Upon request, the Building Inspector may issue a temporary certificate of occupancy or compliance allowing occupancy of a building or structure or parts thereof before the entire work covered by the building permit have been completed, provided that such portions as have been completed may be occupied safely without endangering public safety or welfare. A temporary certificate of occupancy shall remain valid for a period not exceeding 30 days from the date of issuance except that, for good cause, the Building Inspector may allow up to two extensions for periods not exceeding 30 days each.

5.400 Zoning Board of Appeals

A. Establishment

Pursuant to the provisions of Section 267, Article 16, Chapter 62 of the Consolidated Town Laws of the State of New York, a Board of Appeals is hereby established in the Town of Lyons.

B. Appointment

The Board of Appeals shall consist of five members to be appointed by the Town Board. The terms of the initial appointees shall be for one, two, three, four and five years from and after the date of appointment. Their successors, including such additional members as may be appointed by the Town Board, shall be appointed for a term of five years after the expiration of the terms of their predecessors in office.

C. Appointment of Officers, Meetings

The Town Board shall appoint a chairman. The Board of Appeals shall adopt rules and regulations consistent with law or ordinance. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The presence of four members shall constitute a quorum. The chairman, or in his or her absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

D. Appointment to Fill Vacancies

Appointments to fill shall be for the unexpired term of the member or members whose term or terms become vacant. Such appointments to fill such vacancies shall be made in the same manner as the original appointment.

E. General Grant of Power

The Board of Appeals shall perform all the duties and have all the powers prescribed by the laws of the State of New York and as herein described.

F. Votes Necessary for a Decision

The Board of Appeals shall act by resolution. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector or to decide in favor of the applicant any matter upon which it is required to pass under the terms of this law or to effect any variation of this law. However, in the event that the situation was referred to the Wayne County Planning Board as
required by Chapter 24, Article 12 B, Section 239-1 and Section 239-m of the General Municipal Law and the Wayne County Planning Board disapproves the proposal or recommends modification thereof, the Board of Appeals shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one of all the members thereof and after the adoption of a resolution settings forth the reason for the contrary action.

G. Hearings Open to the Public

Hearings of the Board of Appeals shall be public. The Board shall keep minutes of its proceedings, showing the action of the Board and the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its inspections and other official actions, all of which shall be a public record.

H. Powers and duties

The Board of Appeals shall have all the powers and the duties prescribed by law and by this local law, which powers and duties are summarized and more particularly specified as follows, provided that none of the following sections shall be deemed to limit any power of the Board of Appeals that is conferred by law.

1. In exercising its powers, the Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may value such order, requirement, decision or determination as in its judgment ought to be made in accordance with the provisions of this law and pursuant to the Consolidated Laws of the State of New York.

2. To hear and decide appeals where it is alleged that error or misinterpretation in any order, requirement, decision, grant or refusal made by the Zoning Inspector or other administrative official in the carrying out or enforcement of the provisions of this law or any law pursuant thereto.

3. To hold public hearings, as required and as may be permitted by this law.

4. To issue special use permits for any of the uses for which this law requires the obtaining of such permits from the Board of Appeals.

5. To issue use variances where there is unnecessary hardship created by carrying out the strict letter of this law as to the permitted use of a building or land. The Board of Appeals shall have the authority to vary or modify the use regulations so that the spirit of the law shall be preserved. No use variance shall be granted by the Zoning Board of Appeals, however, unless it finds that after a public hearing, the standards for a use variance as established by New York State Town Law have been met.

6. To issue area variances where there are practical difficulties or special conditions which make regulations governing lot size, yard size, building height, or other regulations not specifically related to use of land or buildings unreasonable or impossible to comply with. The Board of Appeals shall have the authority to vary
or modify the area regulations so that the spirit of the law shall be preserved. No area variance shall be granted by the Zoning Board of Appeals, however, unless it finds that after a public hearing, the standards for an area variance as established by New York State Town Law have been met.

7. Upon appeal from a decision by the Zoning Inspector to decide any question involving the interpretation of any provision of this law and where uncertainty exists as to the boundaries of any zone district, the Board of Appeals shall upon written application or upon its own motion, make such interpretation.

8. To refer to the Planning Board such matters as required by this law and any other pertinent matters for review and recommendations and defer any decision thereon for a period of not more than thirty days pending a report from the Planning Board. Upon failure to submit such report, the Planning Board shall be deemed to have approved the application or appeal.

9. To grant after due notice and hearing, the temporary occupancy and use of a structure in any district for a purpose that does not conform with the district requirements, provided that such use is truly of a temporary nature, and subject to any reasonable conditions and safeguards which the Board of Appeals may impose to minimize any injurious effect upon the neighborhood or to protect contiguous property. The approval by the Board of Appeals and any permit based thereon shall not be granted for a period of more than twelve months and shall not be renewable more than once and then for a period of not more than twelve months.

5.500 Planning Board

The Board of Appeals shall refer to the Planning Board all applications for special uses, and any other applications or appeals, which in their opinion require review by the Planning Board.

The Planning Board shall review such applications in accordance with section 5.600 of this law.

The Planning Board may approve, disapprove, or approve subject to conditions or modifications and shall report its findings to the Board of Appeals within thirty days of receipt thereof; such report shall state all recommended conditions and modifications and reasons for such approval or disapproval.

5.600 Appeals to the Zoning Board of Appeals

A. Procedure for Appellant

(1) An appeal to the Board of Appeals from any ruling of any administrative officer administering any portion of this law, may be taken by any person aggrieved, or by an officer, board or bureau of the Town affected thereby. Such appeal shall be taken by filing with the Building Inspector and the Board of Appeals a notice of appeal specifying the grounds therefore.

(2) All applications and appeals made to the Board of Appeals shall be in writing on forms prescribed by the Building Inspector. Every application or appeal shall refer to the specific provision of this law, and shall exactly set forth the
interpretation that is claimed, the plans for a special use or the details of the variance that is applied for, in addition to the following information:

(a) The name and address of the applicant or appellant.

(b) The name and address of the owner of the property to be affected by such proposed change or appeal.

(c) A brief description and location of the property to be affected by such proposed change or appeal.

(d) A statement of the present zoning classification of the property in question, the improvements thereon and the present use thereof.

(e) A reasonably accurate description of the present improvements, and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, material and general construction thereof. In addition, there shall be a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon.

B. Procedure for Building Inspector

(1) The notice of appeal in any case where a permit has been granted or denied by the Building Inspector shall be filed within such time as shall be prescribed by the Board of Appeals under general rule after notice of such action granting or denying the permit has been mailed to the applicant. The Building Inspector shall forthwith transmit to the Board of Appeals all papers constituting the record upon which the action appealed from was taken, or in lieu thereof certified copies of said papers.

(2) It shall be competent for the Building Inspector to recommend to the Board of Appeals a modification or reversal of his action in cases where he or she believes substantial justice requires the same but where he has not himself sufficient authority to grant the relief sought.

C. Procedure for the Board of Appeals

The Board of Appeals shall decide each appeal within a reasonable time. Upon the hearing any party may appear in person or be represented by an agent or attorney. The Board of Appeals' decision shall be immediately filed in its office and be a public record. In the exercise of its functions upon such appeals or exceptions, the Board of Appeals may, in conformity with the provisions of this law, reversed or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from or may make such order, requirement, decision or determination in accordance with the provisions thereof.

D. Expiration of Appeal Decision

Unless otherwise specified by the Board of Appeals, a decision on any appeal or request for a variance shall expire if the applicant fails to obtain any necessary building permit,
or comply with the conditions of said authorized permit within six months from the date of authorization thereof.

E. Stay of Proceedings

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector certifies for the Board of Appeals, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate the stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by a court of competent jurisdiction.

F. Appeal from Decision of Board of Appeals

All decisions of the Board of Appeals are subject to court review in accordance with applicable laws of the State of New York.

G. Public Hearings and Notice

The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice thereof by the publication in the official paper of the Town of Lyons of a notice of such hearing at least five days prior to the date thereof and shall at least five days before such hearing mail notices thereof to the following officials, persons and owners of properties involved in accordance with the requirements of Section 267 of Article 16 of the Consolidated Laws of the State of New York:

(1) In the case of an appeal alleging error or misinterpretation in any order or other action by the Building Inspector, the following persons shall be notified: the inspector, the appellant and the person or person, if any, who benefit from the order, requirement, decision or determination.

(2) In the case of an appeal for a variance or in the case of an application for a special use permit, as provided for in this law, the following persons shall be notified: all owners of property within a radius of 300 feet of the nearest line of the area for which the variance or special use is sought.

H. Referral to Wayne County Planning Board

Before final action is taken on any variance or special permit affecting real property within 500 feet of the boundary of the Town of Lyons or from the boundary of any existing or proposed county or state park or other recreational area, or from the right-of-way, thruway, expressway, road or highway or from the existing or proposed right-of-way of any stream, or drainage channel owned by the county for which the county has established channel lines, or from the existing or proposed boundary of any state owned land on which a public building or institution is situated, such matter shall be referred to the Wayne County Planning Board for report and recommendation. If the County Planning Board fails to make such report within thirty days after receipt of a full statement of such referred material, the Board of Appeals may act without such report. If the Wayne County Planning Board disapproves the proposal or recommends
modifications thereof, the Board of Appeals shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one of all members thereof and after the adoption of a resolution setting forth the reason for the contrary action.

I. Adjournment of Hearing

Upon the day for hearing any application or appeal, the Board of Appeals may adjourn the hearing for a reasonable period for the purpose of causing such further notice as it deems proper to be served upon such other property owners as it decides may be interested in said application or appeal.

J. Required Interval for Hearings on Applications and Appeals After Denial

Whenever the Board of Appeals, after hearing all the evidence presented upon an application or appeal, under the provisions of this law, denies the same, the Board of Appeals shall refuse to hold further hearings on the said or substantially similar application or appeal by the same applicant, his successor, or assign for a period of one year, except and unless the Board of Appeals shall find and determine from the information supplied by the request for rehearing, that changed conditions have occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity, and general welfare, and that a reconsideration is justified. Such rehearing would be allowable only upon a motion initiated by a member of the Board of Appeals and adopted by the unanimous vote of the members present, but not less than a majority of all members.

5.700 Fees

The following fees shall be paid at the Office of the Building Inspector upon the filing of an application for a building permit:

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Occupancy Permit, Demolition Permit</td>
<td>No fee</td>
</tr>
<tr>
<td>Appeal for Variance and Special Permit</td>
<td>$60.00</td>
</tr>
<tr>
<td>Rehearings on Applications and Appeals</td>
<td>$60.00</td>
</tr>
<tr>
<td>Reclassification or Amendment to Zoning Ordinance</td>
<td>$60.00</td>
</tr>
<tr>
<td>New Residential Construction</td>
<td></td>
</tr>
<tr>
<td>0 to 2,000 sq. ft.</td>
<td>$80.00</td>
</tr>
<tr>
<td>Over 2,000 sq. ft.</td>
<td>$.05 per sq. ft.</td>
</tr>
<tr>
<td>Added decks, patios, porches, garages, breezeways, fences and other misc. accessory structures and residential additions</td>
<td>$.06 per sq. ft. / $20.00 min.</td>
</tr>
<tr>
<td>Alterations</td>
<td></td>
</tr>
<tr>
<td>First $1,000.00</td>
<td>$30.00</td>
</tr>
<tr>
<td>each $1,000.00 thereafter</td>
<td>$1.00 additional</td>
</tr>
<tr>
<td>Commercial and Industrial buildings and additions</td>
<td></td>
</tr>
<tr>
<td>up to 5,000 sq. ft.</td>
<td>$.05 per sq. ft.</td>
</tr>
<tr>
<td>from 5,000 to 10,000 sq. ft.</td>
<td>$.04 per sq. ft.</td>
</tr>
<tr>
<td>over 10,000 sq. ft.</td>
<td>$.03 per sq. ft.</td>
</tr>
</tbody>
</table>
Agricultural Buildings and additions  

Swimming Pools above ground  
below ground  
Mobile Home (single wide)  
new installation  
replacement  
Mobile Home (double wide)  
new installation  
replacement  
Double Wide Mobile Home replacement, from Single Wide  
Home Occupation Permit  
Sign Permit  
Installation of solid fuel burning appliance/chimney  
New or replacement septic system  
Any permit renewal  
Review of Subdivision preliminary plans

In any situation where a fee is to be paid, and it is paid after the due date, or is paid after construction has commenced, there shall also be imposed a surcharge equal to 100% of the fee, or $25.00, whichever amount is greater. The surcharge fee cannot be waived by the Zoning Officer.

5.800 Violations

A. Unlawful Practice

It shall be unlawful for any person, firm or corporation to construct, alter, repair, remove, move, demolish, equip, use, occupy or maintain any building, structure, land or portion thereof in violation of any provision of this law or fail in any manner to comply with any notice, directive or order of the Building Inspector or to construct, alter or use and occupy any building, structure, land or part thereof in a manner not permitted by an approved building permit or certificate of occupancy.

B. Discovery of Violations

The Building Inspector shall determine the existence of violations of the provisions of this law through such investigations as he or she shall conduct pursuant to the issuance of building permits and certificates of occupancy and through the prompt investigation of such written complaints as are filed with him or her by persons having reason to believe that such violations exist. The Building Inspector may also determine the existence of such violations by means of investigations conducted at his or her own initiative.

C. Procedure for Abatement of Violations

(1) Whenever it is found that there has been a violation of this law or any rule
or regulation adopted pursuant to this law, a violation notice and / or appearance ticket may be issued to the person, individual, partnership or corporation owning, operating or maintaining the premises in which such violation has been noted.

(2) Violation notices shall be in writing, shall identify the property or premises, shall specify the violation or remedial action to be taken and shall provide that said violation must be corrected within ten days from receipt of said violation notice unless said ten-day period shall be modified in the discretion of the enforcement officer issuing such violation notice, or unless a shorter or longer period of time has been prescribed for in this law.

(3) Violation notices and other orders or notices referred to in this law shall be served on the person committing or permitting such violation or on the owner, or one of the owner's executors, legal representatives, agents lessees, any tenant or other person occupying the premises or other person having a vested or contingent interest in the premises, either personally or by certified mail, addressed to the last known address, if any, of such owner, tenant, or occupant, as shown by the last preceding completed record of the Receiver of Taxes or in the Office of the County Clerk.

(4) The Building Inspector shall have the authority, pursuant to the Criminal Procedure Law, to issue an appearance ticket subscribed by him, directing a designated person to appear in court at a designated time in connection with the commission of a violation of this law or any order made thereunder.

D. Penalties for Violations

Any person, firm or corporation who or which fails to comply with or violates any provision of this law shall be guilty of an offense punishable as follows:

(1) For the first offense, a fine of not less than fifty dollars ($50.00) nor more than three hundred fifty dollars ($350.00) or imprisonment for up to six (6) months, or both.

(2) For the second offense within five (5) years, a fine of three hundred fifty dollars ($350.00) to seven hundred dollars ($700.00) or imprisonment for up to six (6) months, or both.

(3) For the third or subsequent offense within five (5) years, a fine of seven hundred dollars ($700.00) to one thousand dollars ($1,000.00) or imprisonment for up to six (6) months, or both.

Each week such violation continues shall constitute a separate violation, and the imposition of such penalty shall not be held to prohibit the enforced removal of prohibited conditions by any appropriate remedy, including immediate application for an injunction.
**5.900 Amendments**

**A. Town Board May Amend**

The Town Board may from time to time on its own motion, or on petition, or on recommendation of the Planning Board, amend, supplement, or repeal the regulations and provisions of this law, after public notice and hearing.

**B. Review by Town Planning Board**

Every such proposed amendment or change, whether initiated by the Town Board or by Petition, shall be referred to the Planning Board for report prior to scheduling the public hearing hereinafter provided for. If the Planning Board shall fail to file such report within reasonable time, it shall be conclusively presumed that the Planning Board has approved the proposed amendment, supplement, or change.

**C. Referral to Wayne County Planning Board**

All amendments to this law which would change the district classification or the regulations applying to real property lying within a distance of five hundred feet from the boundary of the Town of Lyons or the boundary of any existing or proposed county or state park or other recreational area, or from the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway, or from the right-of-way of any existing or proposed stream or drainage channel owned by the county for which the county has established channel lines or from the existing or proposed boundary of any county or state owned land on which a public building or institution is situated, shall be referred to the Wayne County Planning Board. If the Wayne County Planning Board fails to report within thirty days after receipt of a full statement of such referred matter, the Town Board of Lyons may act without such report. If the Wayne County Planning Board disapproves of the proposed amendment, supplement, change or modification, or recommends modification of the proposal of the Town of Lyons, the Town Board shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one of all the members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary act.

**D. Public Notice and Hearing**

The Town Board by resolution adopted at a stated meeting shall fix the time and place of a public hearing on the proposed amendments and cause notice to be given as follows:

1. **Public Notice**: By publishing a notice at least ten days in advance of such hearing in the official newspaper of the Town of Lyons; such notice shall state the general nature of the proposed amendment in such reasonable detail as will give adequate notice of its contents, and shall name the place or places where copies of the proposed amendment may be examined.

2. **Opportunity to be Heard at Hearing**: At the public hearing, full opportunity to be heard shall be given to any citizen and all parties in interest.
(3) **Written Notice:** A written notice of any proposed change or amendment affecting property within five hundred feet of the boundaries of any village, town or county shall be given to the clerk of such municipality and to the clerk of the Board of Supervisors at least ten days before such hearing.

(4) **Personal Notice:**

(a) By mailing a copy of such notice to every association of residents of the Town which have registered its name for this purpose with the Town Clerk.

(b) A written notice of any proposed change or amendment affecting property within five hundred feet of the boundary of any State Park shall be given to the regional State Park Commission having jurisdiction over such State facility at least ten days prior to the date of such public hearing.

E. **Adoption After Protest**

In case of an adverse recommendation against any proposed amendment by the Planning Board or in the case of a protest signed by the owners of twenty percent or more of the area of:

(1) The land included in such proposed change;

(2) The land immediately adjacent extending one hundred feet therefrom; or

(3) The land directly opposite thereto extending one hundred feet from the street, road or highway frontage of such opposite land, such amendment shall not become effective except by favorable vote of at least four members of the Town Board.
ARTICLE VI

Additional Provisions

6.100 General Provisions

The provisions of this Article shall apply to uses and districts as indicated, in addition to any other applicable provisions of this Law.

6.200 Definitions

A. Interpretations

The following definitions shall be used in the interpretation and construction of this Law, in addition to such definitions as are found in Article II of this Law.

B. Definitions

(1) AGRICULTURAL ACTIVITY: A customary farm occupation; farm service use; hog, pig, poultry and fur-bearing animal farm; riding academy; livery stable; farm-related use; farm labor housing; large-scale cattle or dairy farm; or roadside stand.

(2) AGRICULTURAL ENVIRONMENTAL MANAGEMENT (AEM) PLAN: A comprehensive farm management plan, developed by an agricultural engineer, which details various methods and strategies to be used in mitigating any adverse environmental impacts resulting from agricultural activities, in accordance with generally accepted good farming practices.

(3) AGRICULTURAL SIGN: A sign which advertises an agricultural activity.

(4) AGRICULTURAL STRUCTURE: Any customary non-residential farm building including barns, storage sheds, milking parlors, animal pens, silos, grain bins, corn cribs, silage bunkers, windmills, and similar structures when used in conjunction with agricultural activities.

(5) APARTMENT GARAGE: A detached accessory structure containing a private garage on the first floor and a single dwelling unit on the first and/or second floor.

(6) AUTOMATIC FIRE ALARM SYSTEM: A building system designed to detect the presence of heat, smoke or flame, and which upon such detection relays an alarm to the local fire department.

* Article VI added 9/19/01
(7) AUTOMOBILE SALES: The sale or offering for sale of three or more vehicles on any lot within any one-year period of time.

(8) BARN CONVERSION: The changing of use of an agricultural structure to residential use.

(9) BASEMENT: A story of a building which is partly or wholly underground.

(10) BOATHOUSE: A house or shed for sheltering boats, usually but not necessarily located on the shoreline of a water body.

(11) CIDER MILL: A facility for processing apples or other fruits into juice or cider, which may include retail sales to the general public.

(12) CABIN, RECREATIONAL: A building used or intended to be used as temporary shelter, for recreational purposes such as hunting, fishing, camping or hiking, but which does not include plumbing facilities.

(13) COTTAGE: A single-family dwelling used or intended to be used as a seasonal residence only.

(14) FARM: A tract of land, including all of the structures thereon, which is devoted to an agricultural activity. This definition shall include all contiguous farmland, whether owned, rented or leased as part of an independently operated agricultural activity.

(15) FARM ANIMALS: Animals raised or maintained for their product or labor, or for show, including but not necessarily limited to dairy cows, beef cattle, poultry, sheep, horses, goats, mules, hogs, pigs, or other livestock.

(16) FARM ANIMAL REMAINS: Any carcasses or less than skeletal remains of dead farm animals.

(17) FARM BUILDING: Any building located on a farm.

(18) FARM EQUIPMENT: Any farm truck, tractor, plow, combine, harvester, sprayer, wagon, planter, rake, conveyor, harrow, thresher, or similar agricultural implement, whether or not self-propelled.

(19) FARMHOUSE: The principal residential structure on a farm.

(20) FARM LABOR HOUSING: The use of any dwelling(s), located on a farm, for sheltering persons employed on such farm. This definition shall not necessarily include a migrant labor camp.
(21) FARM MARKET: An indoor or outdoor display for sales purposes of farm produce, homemade baked or canned goods, or crafts, exceeding 500 square feet in area.

(22) FARM-RELATED USE: A cider mill; portable sawmill; U-pick; winery; farm market; petting zoo; hay ride; cornfield maze; agricultural museum or exposition; Christmas tree farm; nursery or greenhouse; or maple syrup processing.

(23) FARM SERVICE USE: Any milk processing plant; feed storage or supply facility; agricultural laboratory; farm equipment or machinery sales or service; storage or processing facility for fruits, vegetables or other agricultural products; fertilizer or farm pesticides storage or supply facility; farmers’ cooperative; grange hall; fruit ripening facility; or grain elevator.

(24) LARGE-SCALE AGRICULTURAL STRUCTURE: An agricultural structure exceeding 20,000 square feet in area.

(25) LARGE-SCALE CATTLE OR DAIRY FARM: A farm upon which 300 or more cattle or dairy cows are harbored.

(26) LOT, THROUGH: A lot located between and having frontage upon two parallel or approximately parallel streets.

(27) MAJOR AGRICULTURAL STRUCTURE: An agricultural structure exceeding 2,000 square feet but not exceeding 20,000 square feet in floor area.

(28) MINOR AGRICULTURAL STRUCTURE: An agricultural structure not exceeding 2,000 square feet in floor area.

(29) MODULAR HOME: A factory-built structure intended for use as a dwelling when placed upon a permanent foundation, which is transported onto site in one or more sections, and certified as being constructed in accordance with the New York State Uniform Fire Prevention & Building Code.

(30) OXYGEN-LIMITING SILO: A sealed silo, with tight construction that limits the amount of oxygen inside.

(31) PORTABLE SAWMILL: A sawmill utilizing readily portable machinery, and not operated for profit.
(32) SITE-BUILT HOME: A conventionally built dwelling, erected on site, without using major prefabricated components.

(33) STORAGE TRAILER: A wheeled trailer or non-wheeled container, built primarily to be used for the commercial transport of goods by air, rail, sea, or highway. This definition shall not apply to horse trailers, small contractors’ trailers, or similar equipment not intended for heavy commercial use or permanent placement.

(34) TRAILER, HOUSE: A transportable structure meeting the definition of a mobile home, except that it was constructed prior to June 15, 1976 and bears no seal issued by the Federal Department of Housing and Urban Development.

(35) UNIMPROVED BUILDING LOT: A lot conforming to minimum area, width and depth requirements, but not exceeding 1 acre in size, upon which no principal building has been erected.

(36) U-PICK: The retail sale of farm produce to self-service customers who gather the produce in fields or orchards located on a farm.

(37) WINERY: A facility for processing grapes into wine, which may include retail sales to the general public.

6.300 District Regulations

A. The following district use regulations shall apply in addition to those given in Article IV of this Law.

B. Residential-Agricultural (R-A) District:

(1) Permitted Principal Uses:

(a) Modular home, as a single-family or two-family dwelling

(b) Farm-related use

(c) Barn conversion

(d) Cottage or Recreational Cabin

(e) House Trailer

(2) Permitted Accessory Uses:

(a) Apartment Garage
(b) Recreational Cabin
(c) Boathouse
(d) Farm Labor Housing

(3) Uses Requiring a Special Permit:
(a) Farm service use
(b) Large-scale cattle or dairy farm

C. General Residential (R-1) District:

(1) Permitted Principal Uses:
(a) Modular home, as a single-family or two-family dwelling

(2) Permitted Accessory Uses:
(a) Apartment garage
(b) Boathouse

D. Commercial (C-1) and Industrial (M-1) Districts:

(1) Permitted Principal Uses:
(a) Farm service use
(b) Cider mill
(c) Winery
(d) Portable Sawmill

(2) Permitted Accessory Uses:
(a) Farm Labor Housing
(b) Boathouse
6.400 Special Permitted Uses

A. General Standards:

Special permitted uses, as allowed under this Article, shall comply in all respects with the provisions of this Article and those of Article IV.

B. Specific Standards:

(1) Large-Scale Cattle or Dairy Farms:

(a) The minimum size of any large-scale cattle or dairy farm shall be 1 acre per head of cattle, dairy cows, and calves.

(b) The minimum size of a large-scale cattle or dairy farm may be permitted to be reduced, provided that the owner submits to the Zoning Board an Agricultural Environmental Management (AEM) Plan. As a condition for approval, the large-scale cattle or dairy farm operation shall be implemented and maintained in accordance with such developed plan. Any changes to said AEM Plan shall be submitted to the Planning Board for review and approval.

(2) Farm Service Uses:

It shall be preferable to locate farm service uses in C-1 or M-1 Districts. Any applicant for a special permit to locate a farm service use in the R-A District shall submit a report demonstrating good faith efforts to secure a suitable site for such use within the C-1 and M-1 Districts. Where a commercially or industrially-zoned site is not available, it shall be permitted to locate such use in the R-A District, in conformance with all other provisions of this Law.

6.500 Supplementary Regulations

A. Fences:

(1) Barbed wire fencing. No barbed wire fence shall be permitted to be placed in any district, except those necessary for legitimate agricultural activities, or when the barbed wire portion is carried at least 8 feet above the adjoining grade.

(2) Electrified fencing. No electrified fence shall be permitted in any district except those necessary for legitimate agricultural activities.
(3) **Fencing in front yards in R-1 Districts.** In R-1 Districts, fences within a front yard shall be of an open type, such as picket, chain link, wrought iron, or split rail.

**B. Mobile Homes and House Trailers:**

(1) **Anchors and tie-downs.** Mobile homes and house trailers shall be provided with suitable anchors and tie-downs at all times.

(2) **Skirting.** Skirting shall be required on all year-round uses.

(3) **Use and configuration.** Mobile homes and house trailers shall not be stacked one upon another, nor shall they be used as accessory buildings, agricultural structures, or as additions to other buildings (including other mobile homes or house trailers).

(4) **Additions.** No additions shall be made to a mobile home or house trailer except: a canopy, deck or porch open on three sides; an addition made by the mobile home or house trailer manufacturer, an addition designed by a registered professional engineer or licensed architect; or an addition which is freestanding and unsupported by the mobile home or house trailer’s structure.

(5) **Use for dwellings or construction purposes.** Mobile homes and house trailers shall not be permitted for any use other than that of a single-family dwelling, except that it shall be permitted for contractors to use such structures as offices or tool sheds during construction projects. Such mobile homes or house trailers shall comply with all other provisions of this Section.

(6) **Temporary use.** It shall be permitted to temporarily place a mobile home for use as a dwelling during construction of a home, for up to 180 days, provided that the mobile home be located not less than 30 feet from any highway right-of-way, nor less than 10 feet from any other lot line. Such mobile homes shall comply with all other provisions of this Section, and shall be promptly removed from the lot upon completion of construction or the lapse of the above-mentioned 180 days, whichever is less.

(7) **Plumbing connections.** Every mobile home or house trailer which is provided with plumbing facilities shall have attachment to an approved potable water source and an approved method of sewage disposal, in accordance with New York State Department of Health regulations.

(8) **Non-conforming mobile homes and house trailers.** Any mobile home or house trailer which is located so as not to conform to the terms of this Law...
shall not be replaced on its site by any other mobile home or house trailer, except as provided in Section 4.400 P(2)(a) of this Law.

(9) **House trailers** No house trailer shall be permitted to be placed on any lot in any mobile home park or R-1 district. In addition, no house trailer shall be installed for any purpose unless it complies with the following:

(a) The house trailer shall have at least 1 window in each bedroom which is at least 22 inches in the horizontal or vertical position and at least 5 square feet in unobstructed area. The bottom of the window opening shall be no more than 36 inches above the floor, and the locks and latches on any such window, storm windows or window screens shall be located not more than 54 inches above the finished floor. A bedroom with a door leading directly to the exterior shall be exempt from this requirement.

(b) The house trailer shall have at least 2 exterior exit doors. In single-section homes, these shall be located no less than 12 feet, center-to-center, from each other. In multi-section homes, such doors shall be not less than 20 feet, center-to-center, from each other. Such measurement shall be taken in a straight line, regardless of the length of travel between doors.

(10) **Use as farm labor housing.** Notwithstanding any provision to the contrary, it shall be permissible for mobile homes to be placed in any district except R-1 and F-P, for use as farm labor housing. Such homes shall conform to all other requirements of this Section.

(11) **Abandoned mobile homes and house trailers.** No junked, scrapped, discarded, unusable or otherwise abandoned mobile home or house trailer shall be permitted to be placed or remain on any lot in any district for a period of greater than one year, except in an approved dump or junkyard.

(12) **Removal of slab or foundation.** Any slab, foundation, or stand for a mobile home located in the R-1 District shall be removed or filled, upon the removal of the associated mobile home, if such home is not replaced by another mobile home on the same site within one year.

(13) **Subdivision Restriction.** Notwithstanding any provision of this Law to the contrary, no mobile home or house trailer shall be permitted to be placed, for any purpose, within any subdivision approved under the Town of Lyons Land Subdivision Regulations. This restriction shall not apply to mobile homes located in approved mobile home parks, nor to construction trailers permitted under Section 6.500 B(5).
C. Storage Trailers:

   (1) **Temporary placement.** Wheeled storage trailers shall be permitted to be placed on a temporary basis, in conjunction with a commercial or industrial use, provided that no such trailer be located within any front yard, or within 50 feet of any highway right-of-way.

   (2) **Permanent placement.** When placed for a period of time exceeding 90 days, the use of a storage trailer shall be allowed only upon issuance of a building permit, with the following conditions:

      (a) The trailer shall be placed upon a suitable foundation, with appropriate anchors and tie-downs.

      (b) The trailer shall be painted a neutral color, and shall not be permitted as a form of signage.

      (c) The area around the base of the trailer shall be skirted, to provide a finished exterior appearance.

      (d) The trailer shall be considered an accessory structure, and shall be located and maintained in accordance with applicable regulations governing accessory structures.

D. Apartment Garages:

   Apartment garages shall be permitted in accordance with the following:

   (1) Not more than 1 apartment garage shall be permitted on any lot.

   (2) No apartment garage shall extend more than 2 stories in height.

   (3) No dwelling unit located in an apartment garage shall exceed 750 square feet of floor area on the ground floor, nor more than 900 square feet in total floor area.

   (4) The parking area within an apartment garage shall not exceed a capacity of 4 typical passenger vehicles.

   (5) Apartment garages shall comply in all other respects with other regulations governing detached accessory structures.

   (6) The total number of dwelling units on the lot shall not exceed the maximum number permitted for a principal building.
E. Farm Animals:

All farm animals shall be appropriately confined by means of pens, fences, buildings, or by other means to prevent their unwanted escape from the property on which they are located.

F. Farm-Related Uses:

All farm-related uses shall be subject to site plan review and approval by the Planning Board, prior to issuance of a building permit.

G. Keeping of Bees:

Notwithstanding any other provision to the contrary, there shall be no keeping of bees within any R-1 District, nor within 200 feet of the boundary of any R-1 District.

H. Minimum Floor Area for Residential Uses:

All modular, site-built and multi-section mobile homes hereafter erected in any district shall contain at least 1,000 square feet of floor area for single-family uses, and at least 600 square feet of floor area for each dwelling unit for two- and multifamily uses. This provision shall not apply to apartment garages, cottages or recreational cabins, nor to efficiency apartments permitted under Section 4.300 B(6)(b)(1).

I. Application of Sewage and Septic Sludge to Farmland:

It shall be permissible to apply sewage and/or septic sludge to farmland for fertilizing purposes, in conformance with the following:

1. A permit shall first be obtained from the Building Inspector. The fee for such permit shall be $25.00, and the permit shall expire after 3 years.

2. At the time of application or renewal, the following information shall be submitted for review by the Building Inspector: a site plan drawn to scale, of all farmland upon which sewage or septic sludge is to be deposited, showing also the area of application; the source of the sewage or septic sludge to be deposited; the method of application; the total anticipated quantity of sewage or septic sludge to be deposited.

3. No sewage or septic sludge shall be applied or deposited within any R-1 or F-P District, nor within 200 feet of the boundary of any R-1 District, occupied building, pond, stream, well, wetland, or other water body.
(4) All application of sewage or septic sludge shall be in accordance with applicable New York State Department of Environmental Conservation and/or Health requirements, and the Building Inspector is authorized to require, at his/her discretion, that copies be provided of any such approvals.

(5) The above provisions may be waived by the Building Inspector, if the farm owner submits an Agricultural Environmental Management (AEM) Plan.

J. Disposal of Farm Animal Remains:

(1) Farm animal remains shall be properly disposed of in accordance with generally accepted good farming practices.

(2) Farm animal remains shall be permitted to be burned, buried or composted upon a farm in any R-A District, in accordance with (3) below.

(3) No farm animal remains shall be buried or composted within any R-1 or F-P District, nor within 200 feet of the boundary of any R-1 District, pond, stream, well, wetland or other water body.

(4) The above provisions may be waived by the Building Inspector if the farm owner submits an Agricultural Environmental Management (AEM) Plan.

K. Agricultural Structures:

(1) Residential use prohibited. No agricultural structure shall be attached to or provide direct access to any building used for residential purposes, nor shall residential uses be permitted within agricultural structures. Barn conversions shall be permitted, in conformance with Section 6.500 L. of this Law.

(2) Height exception. The height restrictions of this Law shall not apply to silos, grain elevators, windmills, or similar agricultural structures not intended for human or animal occupancy.

(3) Minor agricultural structures. Minor agricultural structures shall be permitted to be placed ahead of the street wall of a principal structure, or ahead of the minimum front yard setback line, but not less than 30 feet from any highway right-of-way, provided that the structure is at least 2 times the distance from any principal structure as the distance it extends ahead of the street wall of such structure and not more than 2 stories in
Such structures shall otherwise be located as provided in Section 4.400 E of this Law.

(4) Major agricultural structures. Major agricultural structures shall not be placed ahead of the street wall of a principal structure, except as provided in Section 4.400 E (1)(b) of this Law, and shall be at least 50 feet from other major agricultural structures, farmhouses, and other residential structures. Major agricultural structures shall also be located at least 100 feet from any large-scale agricultural structures and 25 feet from any lot line. If no principal structure exists on the lot, the minimum front yard setback shall be 50 feet.

(5) Large-scale agricultural structures. Large-scale agricultural structures shall not be placed ahead of the street wall of a principal structure, and shall be located at least 100 feet from other large-scale agricultural structures, major agricultural structures, farmhouses, and other residential structures. Large-scale agricultural structures shall also be at least 50 feet from any lot line.

(6) Existing setbacks. If an existing building should be expanded or enlarged to become a major or large-scale agricultural structure, existing setbacks shall be permitted to remain. No such addition or enlargement, however, shall be permitted to further reduce an existing setback which is less than that required by this Section.

(7) Multiple large-scale agricultural structures. Where 2 or more large-scale agricultural structures are located on a farm, an on-site fire protection water supply shall be developed, in accordance with (9) below.

(8) Farm floor area exceeding 60,000 square feet. Where the aggregate floor area of all farm buildings exceeds 60,000 square feet, an on-site fire protection water supply shall be developed in accordance with (9) below.

(9) Fire protection water supply. An on-site fire protection water supply, as may be required by this Section, shall be developed as provided below:

(a) A pond of sufficient size (as may be determined by the local fire department or a professional fire protection engineer) shall be constructed. In lieu of a pond, a suitable dry hydrant, cistern, or elevated water storage tank may be developed.

(b) The pond or other water source shall be located at least 100 feet from any major or large-scale agricultural buildings, and at least 50 feet from any interior lot line.
6.500 K. (9)

(c) The pond or other water source shall have a surrounding ground surface adequate to support fire apparatus at all times, and shall be designated and used only for fire protection purposes.

(d) The water source shall be not more than 20 feet lower than the expected level of fire apparatus at all times.

(10) **Setback reduction permitted.** The setback requirements for major or large-scale buildings shall be permitted to be reduced by 50% for any of the following fire protection features:

(a) The building’s structural and exterior components are entirely non-combustible.

(b) The building is provided throughout and on all levels with an automatic fire alarm system.

(c) The building is provided throughout and on all levels with a fire sprinkler system.

(d) The owner or his or her designee prepares a fire safety plan, to be approved by the Building Inspector, which shall include the following: (i) appropriate information for the fire department concerning the types of uses, installed fire equipment, numbers of employees, numbers and types of farm animals and their locations, locations or utilities, and floor plans; and (ii) appropriate information to employees, occupants and residents concerning how to report a fire or other emergency, evacuation procedures, use of provided fire equipment, and general fire safety practice. The fire safety plan shall also provide for a tour, by the local fire department, of the property for pre-planning purposes.

(e) The building is suitably compartmented by firewalls, fire curtains or other means as may be designed by a professional engineer.

(11) **Additional reduction for multiple features.** If more than one of the above fire protection features is provided, the minimum required setbacks for major or large-scale agricultural structures shall be permitted to be reduced by 75%.

(12) **Oxygen-limiting silos.** Oxygen-limiting silos shall have installed at the base of each such silo a durable sign not less than 4 square feet in size, which shall read “WARNING --OXYGEN-LIMITING SILO -- DO NOT USE WATER TO EXTINGUISH FIRE”
L. Barn Conversions:

Barn conversions shall comply with all other applicable sections of this Law, including 4.400 K, 6.500 K(I), 6.500 H, and shall be sited in accordance with applicable yard and setback requirements for principal or accessory dwellings.

M. Manure Lagoons

(1) No manure lagoon shall be located within any R-1 or F-P District, or within 200 feet of the boundary of any R-1 District, pond, stream, wetland, occupied building, lot line, or public right-of-way, including roadways.

(2) The above provisions may be waived by the Building Inspector if the owner submits an Agricultural Environmental Management (AEM) Plan or if the manure lagoon is lined with a suitable, impervious material.

N. Unimproved Building Lots in the R-1 District:

(1) Maintenance. All unimproved building lots shall be maintained in a clean, safe and level condition.

(2) Storage of certain vehicles. No unlicensed, unserviceable, abandoned, junked, inoperable, or unused vehicles or equipment shall be permitted to be parked or stored upon any unimproved building lot, other than in a completely enclosed building.

(3) Parking of travel trailers. No travel trailer, as defined in this Law, shall be permitted to be placed on a temporary or permanent basis on any unimproved building lot.

(4) Outdoor storage. No unimproved building lot shall be used for the outdoor storage of any junk, or any materials exceeding an aggregate area of 100 square feet. No materials of a noxious or dangerous nature shall be permitted. Material storage within the above limits shall not exceed 20 feet in any horizontal dimension, nor more than 6 feet in any vertical dimension. Lumber, pipes and building materials shall be stored at least 1 foot above grade to prevent rodent harborage.

(5) Non-residential use. The non-residential use of an unimproved building lot in excess of the above limits shall be permitted only upon issuance of a
(6) **Amortization.** All unimproved building lots not in conformance with this Section shall be made to comply with this Section not later than 6 months after the effective date of the local law enacting this Section.

(7) **Grass, brush and weeds.** All unimproved building lots shall be maintained in accordance with Section 4.400 Q of this Law, in regard to tall grass, brush and weeds.

O. **Abandoned Farm Equipment:**

No broken down, unused, junked, unserviceable, inoperable, or otherwise abandoned farm equipment shall be permitted to be parked or stored openly within 100 feet of any highway right-of-way.

P. **Agricultural Signs:**

Agricultural signs shall be permitted in all districts, in conformance with Section 4.400 M(1)(g) of this Law.

Q. **Recreational Cabins:**

(1) Recreational cabins are not required to be located on lots with street frontage.

(2) No travel trailer, house trailer or mobile home shall be permitted to be placed for use as a recreational cabin, except in an approved type-1 camp.

R. **Through Lots:**

Through lots shall comply with applicable front yard requirements for both street frontages.

S. **Storage for Residential Structures:**

Any site-built, modular or mobile home and any house trailer not provided with a basement, shall be provided with a storage building located on the same lot which is not less than 100 square feet in area. This provision shall not apply to recreational cabins.

T. **Farm Labor Housing:**

Structures used as farm labor housing shall be located as provided for in Section 6.500 K of this Law.
U. Boathouses:

Boathouses shall be permitted to be placed in any use district, as an accessory use as follows:

(1) No boathouse containing a residential use shall be located within any C-1, M-1 or F-P District.

(2) Boathouses containing a residential use shall comply with requirements for apartment garages.

(3) No setback shall be required from a water body.
APPENDIX A

TOWN OF LYONS AND VILLAGE OF LYONS JOINT PLANNING BOARD

Sec. A1.1 Creation, appointment and organization of Joint Planning Board

A Joint Planning Board pursuant to General Municipal Law Articles 5-G and 5-J is hereby created by the governing boards of the Town and Village of Lyons. Said Board shall consist of seven (7) members appointed and organized in the following manner.

The mayor of the Village of Lyons shall appoint four members of the Joint Planning Board, one member to be appointed for a one-year term, one member to be appointed for a three-year term, one member to be appointed for a five-year term, and one member to be appointed for a seven-year term. The governing board of the Town of Lyons shall appoint three members of the Joint Planning Board, one member to be appointed for a two-year term, one member to be appointed to a four-year term, and one member to be appointed to a six-year term.

The Mayor of the Village of Lyons and the governing board of the Town of Lyons shall each appoint one (1) alternate member of the Joint Planning Board, for terms of three (3) years respectively.

No person who is a member of the Village Board or the Town Board shall be eligible for membership on such Joint Planning Board.

Upon the expiration of the term of a member of the Joint Planning Board, that person or body which appointed the incumbent to the expiring term shall appoint his or her successor to a full seven-year term, except that alternate members shall be appointed for three-year terms. If a vacancy occurs other than by expiration of a term of office, that person or body which appointed the member who filled such office prior to the vacancy occurring shall appoint a successor for the balance of the term. Any member of the Joint Planning Board may be appointed for one (1) or more successive terms. The appointing authority of an individual member shall have the power to remove a member pursuant to the appropriate sections of Article 7 of the Village Law or Article 16 of the Town Law, for cause and after a public hearing.

The Joint Planning Board shall elect, from the appointed members, except alternate members, one member to serve as Chairperson. The Joint Planning Board shall elect, from the appointed members, except alternate members, one member to serve as Vice-Chairperson. The Joint Planning Board shall
elect, from the appointed members, one member to serve as Secretary. The Chairperson, Vice-Chairperson and Secretary shall serve one (1) year terms, and may be re-elected to serve successive terms. The Village and Town Clerks shall be notified of the members selected to serve as Chairperson, Vice-Chairperson, and Secretary. The Village and Town Clerks shall administer the required Oaths of Office.

Sec. A1.2 Minimum requirements for Joint Planning Board members

Each Joint Planning Board member is required to complete three (3) hours of New York State land use training within twenty-four (24) months of appointment, and not less than twelve (12) hours of such training during each seven (7) year term. At the discretion of the appointing person or body, failure to comply with this requirement may be grounds for removal from the Joint Planning Board. Training records shall be maintained by the Secretary, and a copy provided to the Village and Town Clerks.

Each Joint Planning Board member shall be required to attend fifty (50) percent of the scheduled meetings in each calendar year. At the discretion of the appointing person or body, failure to attend the required number of meetings without good cause shown may be grounds for removal from the Joint Planning Board. Attendance records shall be kept by the Secretary, and a copy provided to the Village and Town Clerks.

Sec. A1.3 Powers and duties of the Joint Planning Board

The Joint Planning Board shall prescribe such rules for the conduct of its affairs as may be necessary to carry out its duties, and its conduct shall be in accord therewith.

All meetings of the Joint Planning Board shall be held at the call of the Chairperson and at such times as a majority of the members of the full Board may determine. The Chairperson, or in his or her absence, the Vice-Chairperson may designate an alternate member to substitute for a member when such member is unable to participate on an application or matter before the Board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Board.

The Chairperson shall supervise the affairs of the Joint Planning Board, shall preside at meetings of the Board and shall appoint such committees of such size as may be necessary, to carry out the purposes of the Joint Planning Board. The Chairperson shall be an ex-officio member of all committees so appointed.
The Vice-Chairperson shall perform such duties as may be delegated by the Chairperson. In the absence or disability of the Chairperson, the Vice-Chairperson shall perform the duties and exercise all the powers of the Chairperson.

The Secretary shall be responsible for the recording and keeping of the minutes, decisions, and other records as are required by this Local Law, and other duties as may be delegated by the Chairperson.

In the absence of the Secretary, the Joint Planning Board shall select a temporary Secretary to perform the duties of Secretary.

All meetings shall be conducted in accord with any by-laws or guidelines governing or established by the Joint Planning Board and any guidelines established by the Chairperson, or in his or her absence, the Vice-Chairperson, in consideration of the matter(s) at hand. All meetings of the Joint Planning Board shall be open to the public.

The Joint Planning Board shall keep minutes and records of its proceedings, findings and official actions and shall record the vote of each member upon every question put to a vote or absent or failing to vote, indicating such fact. When an alternate member substitutes at a meeting, this fact shall be entered into the minutes. All decisions of the Joint Planning Board shall be recorded in the minutes. An official copy of the minutes of the Joint Planning Board shall be filed with the Village Clerk and Town Clerk.

The concurring vote of a majority of the full membership of the Joint Planning Board shall be required to constitute an official action by the Board. A tie vote or a favorable vote by a lesser number than the required majority shall be deemed a negative vote. No meeting or hearing of the Board shall be held in the absence of a quorum.

No member of the Joint Planning Board shall sit in hearing, deliberation or vote on any matter in which he or she is personally or financially interested. Said member shall not be counted by the Joint Planning Board in establishing the quorum for such matter.

The Joint Planning Board shall have all of the duties and powers prescribed by State Law and by the zoning laws of the Village and Town of Lyons respectively.

Sec. 11.4 Miscellaneous

This Local Law shall be deemed to supersede any other Local Laws to the extent therein may be inconsistent herewith.
Upon the effective date of this Local Law and the Intermunicipal Cooperation Agreement to be executed between the Village and Town of Lyons, the existing Planning Boards of the Town and Village of Lyons shall be abolished and all matters currently pending before such Boards shall be transferred to the Joint Planning Board.

If any part of this local law should be judicially declared to be invalid, void, unconstitutional or unenforceable, all unaffected portions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalid portion had not been enacted.

This Local Law shall become effective upon filing with the Secretary of State of New York, as required by the Municipal Home Rule Law.
Local Law No. 4 of the year 2006

A Local Law to establish predictable and balanced regulations for the siting of wind turbine facilities.

Be it enacted by the Town Board of the Town of Lyons as follows:

(1) Purpose.
The Town Board of the Town of Lyons adopts this Local Law to promote the effective and efficient use of the Town's wind energy resource through Wind Energy Conversion Systems (WECS), and to regulate the placement of such systems so that the public health safety and welfare will not be jeopardized.

(2) Definitions.
As used in this Local Law, the following terms shall have the meanings indicated:

LARGE WECS -- A Wind Energy Conversion System which has a rated capacity of greater than 100kW and which is intended to produce electrical power for use off-SITE.

EAF -- Environmental Assessment Form used in the implementation of the SEQRA as that term is defined in Part 617 of Title 6 of the New York Codes, Rules and Regulations.

SEQRA -- The New York Environmental Quality Review Act and its implementing regulations in Title 6 of the New York Codes, Rules and Regulations.

SITE -- The parcel(s) of land where a WECS FACILITY is to be placed. The SITE may be publicly or privately owned by an individual or group of individuals controlling single or adjacent properties. Where multiple lots are in joint ownership, the combined lots shall be considered as one for purposes of applying setback requirements.

SMALL WECS -- A Wind Energy Conversion System which has a rated capacity of not more than 100kW and less than 50 feet in total height and which is intended, primarily, to reduce consumption of utility power at its own site or, for the pumping of water.

TOTAL HEIGHT -- The height of the tower and the furthest vertical extension of the WECS from the ground on which it stands.

WECS FACILITY -- Any Wind Energy Conversion System including all related infrastructure, electrical transmission lines and substations, access roads and accessory structures.

WIND ENERGY CONVERSION SYSTEM or WECS -- A machine that converts the kinetic energy of the wind into a usable form (commonly known as a “wind turbine” or “windmill”) and consisting of a wind turbine, a tower and associated control and transmission equipment. The turbine or windmill has a rotor or propeller which may be on a horizontal or vertical axis.
(3) **Where Permitted.**
SMALL WECS and Large WECS shall be permitted within the Residential-Agricultural (R-A) and Industrial (M-1) Districts, only.

(4) **Special Permit Required.**
Where permitted, Large or Small WECS shall not be constructed, erected or installed without a Special Permit having been issued by the Town Board of the Town of Lyons. In issuing such permits, the Town Board shall find that the WECS will comply with the general standards for Special Permits plus all of the specific standards set forth in this Section.

(5) **Large WECS Submittal Requirements.**
The information to be provided by the applicant shall include:

(a) The applicant and landowner’s name(s) and contact information.
(b) The tax map numbers, existing use and acreage of the site parcel(s).
(c) A survey map at an appropriate scale showing the proposed location of the elements of the WECS as it relates to:
   - boundaries of the parcel
   - access roads
   - adjacent ownerships and structures to a distance of 1000 feet
   - adjacent schools and churches to a distance of 2000 feet
   - adjacent county or local parks, recognized historic or heritage sites, state-identified wetlands or important bird areas as identified in federal, state, county or New York Audubon GIS databases for a distance of 3000 feet
(d) Standard Drawings of the wind turbine structure, including the tower, foundation and access road(s).
(e) Engineering analysis, data and certification pertaining to safety and stability of the tower, wind turbine structure and foundation, including compliance with the applicable building code and safety results from test facilities.
(f) A completed EAF (Environmental Assessment Form).
(g) Proposal for landscaping and screening.
(h) A project visibility map, based on a digital elevation model, showing the impact of topography upon visibility of the project from other locations, to a radius of three miles from the center of the project. The scale used shall depict the three-mile radius as no smaller than 2.7 inches, and the base map used shall be a published topographic map showing man-made features such as roads and buildings.
(i) No fewer than four, and no more than the number of proposed individual wind turbines, color photos, no smaller than 4” x 6”, taken from locations within a three-mile radius from the center of the project and to be selected by the Planning Board, and computer-enhanced to simulate the appearance of the as-built facilities as they would appear from said locations.
(j) A Host Community Agreement, drafted with interaction between the Town of Lyons and the Developer, that addresses both environmental and economic issues with regards to siting, energy benefits, financial considerations, and future responsibilities of any project within the Town of Lyons.
(6) SMALL WECS Standards.
   (a) SMALL WECS shall be located such that tip-over will be harmless to persons or property.
   (b) No experimental, homebuilt or prototype wind turbines shall be allowed without documentation by the applicant of the maximum probable blade throw distance in the event of failure of the proposed equipment and determination by the Planning Board of appropriate setback distances on the basis of said documentation.
   (c) Guy wires shall not be used to anchor small Wind Turbine Towers.
   (d) Maximum permitted TOTAL HEIGHT of a Small WECS shall be fifty (50) feet.
   (e) Shall not be artificially lighted.
   (f) No more than one windmill or tower shall be permitted as an accessory use to any property.
   (g) Towers shall be located in either a rear or side yard. Applicants seeking a side yard sitting shall demonstrate that such a location is essential to the viability of the proposed small WECS.
   (h) Sound levels shall not exceed 25 dbA, measured at any location along the boundary of the site parcel
   (i) All small WECS shall be designed with an automatic brake to prevent overspeeding and excessive pressure on the tower structure.
   (j) The minimum distance between the ground and any protruding blades shall not be less than 10 feet as measured at the lowest point of the arc of the blades.

(7) Large WECS Standards.

(1) In addition to the application requirements specified for site development permits, an application for a special permit for a large WECS or wind generator shall show:

   (a) Location of tower on site and tower height, including blades, rotor diameter and ground clearance.

   (b) All utility lines both above and below ground within a radius equal to the proposed tower height, including blades.

   (c) Dimensional representation of the various structural components of the tower construction, including the base and footings.

   (d) Design data indicating the basis of design, including manufacturer's dimensional drawings, installation and operation instructions.

   (e) Certification by a registered professional engineer or manufacturer's certification that the tower design is sufficient to withstand wind-load requirements for structures.

(2) No large WECS, including blades, shall extend more than 400 feet above the average ground level measured at the base of the tower.
(4) No large WECS shall be erected in any location where its overall height, including blades, is greater than the distance from its base to any property line.

(5) Access to the tower shall be limited either by means of a fence six feet high around the tower base, with a locking portal, or by limiting tower climbing apparatus to no lower than 12 feet from the ground.

(6) No large WECS shall be installed in any location along the major axis of an existing microwave communications link where the operation of the windmill is likely to produce an unacceptable level of electromagnetic interference, unless the applicant provides sufficient evidence satisfactory to the Town Board indicating the degree of expected interference and the possible effect on the microwave communications link.

(7) Large WECS shall be located or installed in compliance with the guidelines of the Federal Aviation Regulations with regard to airport approach zones (15.503) and clearance around VOR and DVOR stations.

(8) All sites proposed for Large WECS shall have sufficient access to unimpeded air flow for adequate operation. The Siting Handbook for Small Wind Energy Conversion Systems, PNL-2521, or other nationally recognized references should be used as a guide in siting the location or towers.

(9) No large WECS shall be installed in a location where the impact on the neighborhood character is determined by the Town Board to be detrimental to the general neighborhood character.

(10) If the large WECS is to be interconnected to an electric utility distribution system, the applicant shall provide evidence of approval of the proposed interconnection by any applicable power company.

(11) Towers shall utilize the natural contours of the land to minimize visibility.

(12) All large WECS shall be designed with an automatic brake to prevent overspeeding and excessive pressure on the tower structure.

(13) The minimum distance between the ground and any protruding blades shall not be less than 30 feet as measured at the lowest point of the arc of the blades.

(14) The minimum required setback distance between each large WECS and all surrounding property lines, overhead utility or transmission lines, any other wind turbine towers, electrical substations, meteorological towers, public roads, dwellings or other buildings for occupancy shall be no less than 1.5 times the sum of the proposed structure height plus the rotor radius.

(15) Large WECS shall be located with relation to property lines such that the level of noise produced during wind turbine operation shall not exceed 50 dbA, measured at any
location along the boundary of the site parcel as it exists at the time of the issuance of the Special Permit.

(16) Existing roads shall be used to access the WECS facility site, or, if new road(s) must be constructed, the amount of land utilized for new road construction shall be minimized so as to lessen any adverse environmental impact.

(17) Any construction involving agricultural land shall be done according to the NYS Department of Agriculture and Markets Guidelines for Agricultural Mitigation of Wind Power Projects (which can be found at www.agmarket.state.ny.us, "construction projects affecting farmland").

(18) No WECS FACILITY shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennae (including residential reception antennae) for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception.

(19) No WECS FACILITY shall be installed in any location that would substantially detract from or block view of a portion of a recognized scenic vista, as viewed from any public road right-of-way, public body of water, or publicly owned land within the Town of Lyons or that extends beyond the border of the Town of Lyons.

(20) All power transmission lines shall be located underground to the maximum extent practicable.

(21) Guy wires shall not be used to anchor Large WECS Wind Turbine Towers.

(22) The WECS FACILITY shall not be artificially lighted, except to the extent required by the FAA or other applicable authority. The use of nighttime (and overcast daytime condition) stroboscopic lighting to satisfy tower lighting requirements for the FAA is disfavored. If stroboscopic lighting is used, it shall be subject to on-site field testing, with specific respect to flash nuisance to adjacent ownerships, prior to any Planning Board approval.

(23) The WECS FACILITY and wind turbine equipment shall not be used for displaying advertising except for small and reasonable identification of the manufacturer or operator of the WECS FACILITY.

(24) The design of any WECS FACILITY building(s) or related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will allow the facility to blend into the natural setting and existing environment.

(25) Procedures for emergency shutdown of power generation units shall be established and shall be posted prominently and permanently at a location near the entrance to the Large WECS FACILITY site.
(8) Liability Insurance Required.
Prior to issuance of a Special Permit for a Large WECS and during construction and continuing thereafter until such facility is removed from the site, the applicant shall provide, on a yearly basis, documentation satisfactory to the Town of Lyons, certifying that the Owner of the site currently carries liability insurance coverage for property damage, injury or death resulting from the construction, placement, use, maintenance, operation of said Large WECS facility. Liability insurance coverage shall have reasonable limits as determined by the Town Board in consultation with the Town’s insurer.

(9) Maintenance of Large WECS Facilities.
(a) Each approved Large WECS shall be maintained in accordance with the specific standards described in this Section.
(b) The owner of each Large WECS shall have it inspected at least every three (3) years for structural and operational integrity by a New York State licensed professional engineer, and shall submit a copy of the inspection report to the Town Supervisor. If such report recommends that repairs or maintenance are recommended, the owner shall provide the Town Supervisor with a written schedule for completion of said repairs or maintenance.

(10) Removal of Unsafe or Obsolete Large WECS Facilities.
(a) Any WECS found to be unsafe by the local enforcement officer shall be repaired by the owner to meet federal, state and local safety standards or shall be removed from the site.
(b) Obsolete or unused wind turbines and accessory structures shall be removed from any site within one (1) year of the discontinuance of the use thereof. The Owner of the obsolete or unused Large WECS Facilities shall notify the Town Supervisor of the Town of Lyons in writing within thirty (30) days of the discontinuance of the use of said facilities. Failure to notify and/or remove the obsolete or unused wind turbines and accessory structures in accordance with these regulations shall be a violation of this law. The Town Board may remove such facilities after one (1) year and treat the cost of said removal as a tax lien on the property.

(11) Host Community Agreement: The Town Board may require, as a condition precedent to the issuance of any special permit, that the applicant enter into a host community package acceptable to the Town of Lyons to provide payment to the Town for the environmental and economic impact of the WECS.

(12) No special permit may be issued by the Town Board until a public hearing has been held thereon at which members of the public may comment on the following standards which the Town Board must specifically determine have been met:
A. The proposed special use is consistent with the general intent of the town’s Master Plan and with each of the specific purposes set forth in this local law.
B. The location, size and use of the structures involved, nature and intensity of the operations involved and size and layout of the site in relation to the proposed special use are such that it will be compatible with the orderly development of the area of the site.
C. Operation of the proposed special use is no more objectionable to the uses of nearby properties by reason of dust or smoke emission, noise, odors, fumes, pollution of air or
water, including subsurface waters, unsightliness or similar conditions, than would be the operation of any permitted use.

D. The proposed special use satisfies each and all standards and conditions specified for such special use by the relevant provisions of this article.

E. The Town Board may impose additional conditions or restrictions as it may deem necessary prior to approving any special use permit application in order to protect public health and safety, the quality of the town's natural resource base and the value of property. The Zoning Officer shall make an on-site visit to each property authorized as a special use not less than one time each year. The purpose of said site visit is to ensure that the use is being operated in accord with the conditions specified by the Town Board. If the Zoning Officer shall determine that a violation of this chapter or the conditions imposed by the Town Board exists, the certificate of occupancy and/or certificate of compliance shall be null and void. A new special use permit application shall be required to be submitted and approved prior to the reestablishment of said use.

§ This Local Law shall take effect immediately upon the filing thereof in the Office of the New York State Secretary of State.